

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: Lomita Drive Road Rehabilitation Project
2. Location: Along Lomita Drive, between its intersection of Somerset Lane and east to the Hill Preserve, adjacent to U.S. Highway 101, in unincorporated Marin County adjacent to the City of Mill Valley and in the City of Mill Valley
3. Project Summary:

The Marin County Department of Public Works is proposing to perform pavement rehabilitation and build approximately 500 linear feet of new sidewalk along Lomita Drive, closing several gaps in the pedestrian network. As part of the Project, the County will remove vegetation, construct sidewalks, new curbs and gutters, pedestrian curb ramp access, driveway approaches, concrete driveway conforms, storm drain maintenance hole cover(s), drop inlet turning structures, storm drain infrastructure, and will complete grinding and paving, or micro-surfacing, of the full 2,900 linear feet of pavement. The County will also adjust utilities and pavement markings as needed.

4. Project Sponsor: Marin County Department of Public Works
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
Environmental Planning Manager

Date: June 12, 2025

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



Marin County Board of Supervisors

Date: August 25, 2026

1. Mitigation Measures:

- ☐ No potential adverse impacts were identified; and therefore, no mitigation measures are required.
- ☒ Please refer to mitigation measures 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 Circlepoint on behalf of the Marin County Department of Public Works. Copies may be obtained at the address listed below.

Marin County Department of Public Works
Engineering Division
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903
(415) 473-6530

Check with the Marin County Department of Public Works for information about business hours and/or reviewing copies of the document at the front counter.

An electronic version is also available for review on the County of Marin [Environmental Planning website](#).

MITIGATED NEGATIVE DECLARATION

**LOMITA DRIVE
ROAD REHABILITATION PROJECT**

SCH No: 2025061339

**Prepared for:
County of Marin
Department of Public Works
3501 Civic Center Drive Suite 304,
San Rafael, CA 94903**

November 2025

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**LOMITA DRIVE
ROAD REHABILITATION PROJECT**

MITIGATED NEGATIVE DECLARATION (MND)

SCH: 2025061339

Prepared for:

**Marin County
Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903**

Prepared by:

**Circlepoint
46 S. 1st Street, Suite D
San Jose, CA 95113**

September 2025

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MITIGATED NEGATIVE DECLARATION (MND)

Pursuant to the California Environmental Quality Act (CEQA)

Division 13, Public Resources Code

Marin County Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903
(415) 499-6528

Project Description

The County is proposing to perform pavement sealant, pavement rehabilitation and build approximately 500 linear feet of new sidewalk along Lomita Drive, closing two gaps in the pedestrian network. As part of the Project, the County will remove vegetation, construct sidewalks, new curbs and gutters, pedestrian curb ramp access, storm drain maintenance hole cover(s), drop inlet turning structures, storm drain infrastructure, and will complete grinding and paving, or micro-surfacing, of the full 2,900 linear feet of pavement. In addition, the County may also construct driveway approaches and concrete driveway conforms. The County will also adjust utilities and pavement markings as needed. Some excavation and some infill will be necessary to correct the topography of the road for improved surface drainage. Excavations for road grading will be less than 18 inches. The County will also adjust utilities and pavement markings as needed.

Subsurface work and excavation/trenching will be required for stormwater infrastructure. New or reconfigured subsurface storm drains would be installed at the western end of the Project near Edna Maguire Elementary School, along the north and the south side of Lomita Drive within the ROW adjacent to the southern parcel line of the school, and on the north side of Lomita Drive within the ROW between Shell Road and the eastern end of the Project site. These new or replaced storm drains would connect into the existing storm drain system along Lomita Drive. Trenching and other ground-disturbing work associated with the storm drain system improvements would have a maximum depth of 10 feet below ground surface.

Construction

All construction staging and access would occur within the Project site, within the existing ROW. The Project would be constructed in two phases and includes:

- Demolition: Grinding and removal of existing pavement, curb, gutter and sidewalk, and associated features along Lomita drive, in areas where new pavement, sidewalks, and other improvements are proposed.
- Grading and Excavation: Grading, trenching, and utility work needed to provide adequate stormwater infrastructure, paving and concrete work.
- Paving: Paving, concrete work, micro-surfacing, conforms, and other supporting activities to construct new sidewalks and ramps.
- Striping: Roadway striping and signage.

Construction is anticipated to begin in summer of 2025 and conclude by September 2027. It is assumed that the Project will be constructed in two phases. Phase 1 will be adjacent to the Horse Hill Preserve to the east and will include the construction of a retaining wall, road widening, vegetation removal, installation of underground storm drain and storm drain inlets along with curb ramps, and paving and restriping. Phase 2 would include the remainder of the scope of work along Lomita Drive from the eastern limits (between Shell Road and Somerset Lane) of the Project to Greenfield Court.

Construction activities would typically occur from Monday through Friday during the hours of 7:00 a.m. to 6:00 p.m., with an extension of time into later hours on Saturdays from 9:00 a.m. to 5:00 p.m. This extension of time will occur through collaboration with the adjacent public schools including the Edna Maguire Public Elementary School, as well as nearby private schools including Terra Marin Middle School and Terra Mandarin Pre-school. Access to the schools may be temporarily affected which would result in possible detours. No work would be conducted on prohibited holidays, as described in Section 6.70.030(5)(a) of the County of Marin's Municipal Code. Road closure will be necessary for the installation of the new storm drain at the western end of the Project. Detours and local traffic access will be provided. Several driveways along the length of the Project will be closed at various times for short durations. There will be frequent and direct communication and coordination with those residents.

During the Project, heavy equipment to be used includes:

- Demolition: bulldozers, excavators, dump trucks
- Grading and Excavation: bulldozers, excavators, dump trucks, road roller, backhoe, compactor, wheel loader, motor grader
- Paving: concrete mixer, concrete pump, paver, jack hammer
- Striping: paver, painting equipment/machinery

Avoidance and Minimization Measures

To avoid potentially significant impacts to biological resources, including special status species and sensitive habitats within the Project site, the County will implement the following Avoidance and Minimization Measures (AMMs):

- **AMM BIO-1 Work Window for Nesting Birds.** To the extent practicable, clearing and grubbing activities would be conducted during the non-nesting season, from October 1 to January 31.
- **AMM BIO-2 Preconstruction Surveys for Nesting Birds.** Preconstruction surveys for nesting birds would be conducted by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 1 to September 30).
- **AMM BIO-3 Non-disturbance Buffer for Nesting Birds.** If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, a non-disturbance buffer would be established at a distance sufficient to minimize disturbance based on the nest

location, topography, cover, the species' sensitivity to disturbance, and the intensity/type of potential disturbance.

- **AMM BIO-4 Worker Environmental Awareness Training.** All construction personnel would attend a mandatory environmental education program delivered by a qualified biologist prior to working on the Project. At a minimum, the training would include a description of listed species, migratory birds, and their habitats. The training would also discuss the potential occurrence of these species within the BSA; an explanation of the status of these species and their protection under the Endangered Species Act and other laws; the measures to be implemented to conserve listed species and their habitats as they relate to the work site; workers' personal liability; and boundaries within which construction may occur. Documentation of the training, including sign-in sheets, would be kept on file and would be available on request.
- **AMM BIO-5 Preconstruction Surveys.** Prior to any ground disturbance, preconstruction surveys would be conducted by a qualified biologist. These surveys would consist of walking the Project site and, if possible, accessible adjacent areas within at least 50 feet of the Project site. The biologist(s) would investigate all potential cover and nesting/roosting sites, including vegetation, mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, culverts, and debris. Native vertebrates found in the cover sites within the Project site would be documented.
- **AMM BIO-6 Bat Preconstruction Surveys and Bat Protection.** Due to the potential for roosting bats in trees and culverts adjacent to the Project site, a bat pre-construction survey will be conducted by a qualified biologist at dusk to determine the presence of bats within the Project site.

A Qualified Biologist shall conduct a habitat assessment for potentially suitable bat roosting habitat, including existing trees and culverts within 15 feet of the Project site prior to construction activities. If the habitat assessment reveals existing trees or culverts are suitable roosting habitat for bats, then the appropriate measures will be implemented prior to the construction during the period between March 1 and April 15 or August 31 to October 15.

Potential avoidance may include visual monitoring, and staging project work to avoid bats. If suitable habitat is present within trees, and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys shall be conducted two to three days prior to any tree removal or trimming. If presence/absence surveys are negative, then tree removal may be conducted by following a two-phased tree removal system. If surveys indicate bat presence, then the occupied trees shall only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two-phased tree removal system.

The two phased system shall be conducted over two consecutive days. On the first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches without those features removed. On the second day, the entire tree shall be removed.

- **AMM BIO-7 Water Features.** No work will occur in any water features such as wetlands or jurisdictional waters.
- **AMM BIO-8 Standard Best Management Practices (BMPs).** The potential for adverse impacts to water quality would be avoided by implementing temporary and permanent BMPs. Erosion control BMPs would be used to minimize any wind- or water-related erosion. The BMP measures include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges.

Protective measures would be included in the contract, including, at a minimum:

- No discharge of pollutants from vehicle and equipment cleaning are allowed into the storm drain or water courses.
 - Vehicle and equipment fueling, and maintenance operations must be at least 50 feet away from water courses.
 - Concrete wastes are collected in washouts and water from curing operations is collected and disposed of and not allowed into water courses.
 - Dust control will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require.
 - Work areas where temporary disturbance has removed the pre-existing vegetation will be re-seeded with a native seed mix.
 - Graded areas will be protected from erosion using a combination of silt fences, fiber rolls along toe of slopes or along edges of designated staging areas, and erosion-control blankets (such as jute or coir) as appropriate.
 - A Revegetation Plan will be prepared for restoration of temporary work areas. Pavement and base will be removed, topography blended with the surrounding area, and topsoil will be salvaged from the new alignment area to be placed over the restored area, which will then be revegetated.
- **AMM BIO-9 Concrete Waste and Stockpiles.** All grindings and asphaltic-concrete waste would be stored within previously disturbed areas absent of habitat and at a minimum of 150 feet from any aquatic habitat, culvert, or drainage feature.
 - **AMM BIO-10 Revegetation Following Construction.** All areas that are temporarily affected during construction would be revegetated with an assemblage of native grass, shrub, and trees as appropriate. Invasive, exotic plants would be controlled within the project site to the maximum extent practicable, pursuant to Executive Order 13112.

Best Management Practices

Since the Project is a County sponsored project, it would not be required to implement requirements specified in Chapter 22 of the County Municipal Code. However, the County has elected to incorporate the following BMPs into the project:

Section 22.20.040- Outdoor Construction Activities

C. Dust and Emission Control. The following dust and emission 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.

Determination

A Mitigated Negative Declaration (MND), SCH No. 2025061339, is proposed by the Marin County Public Works Department for the project. The Initial Study and supporting documents have been prepared to determine if the project would result in potentially significant or significant impacts to the environment. The mitigation measures that have been identified are listed in **Table 1** below. The public review period occurred from June 30, 2025, to July 30, 2025. Four comment letters were received during that time. On the basis of the Initial Study and the whole record, it has been determined that the proposed action, with the incorporation of the mitigation measures described below, would not have a significant effect on the environment. The supporting technical reports that constitute the record of proceedings upon which this determination is made are available for public review on the County of Marin website at <https://www.marincounty.gov/departments/cda/planning/environmental-planning/current-ceqa-projects/lomita-drive-road-rehabilitation-project> .

Table 1 - Summary of Mitigation Measures

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
Biological Resources	AMM BIO-1 Work Window for Nesting Birds. To the extent practicable, clearing and grubbing activities would be conducted during the non-nesting season, from October 1 to January 31.	Less than Significant
Biological Resources	AMM BIO-2 Preconstruction Surveys for Nesting Birds. Preconstruction surveys for nesting birds would be conducted by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 1 to September 30).	Less than Significant
Biological Resources	AMM BIO-3 Non-disturbance Buffer for Nesting Birds. If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, a non-disturbance buffer would be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the species' sensitivity to disturbance, and the intensity/type of potential disturbance.	Less than Significant
Biological Resources	AMM BIO-4 Worker Environmental Awareness Training. All construction personnel would attend a mandatory environmental education program delivered by a qualified biologist prior to working on the Project. At a minimum, the training would include a description of listed species, migratory birds, and their habitats. The training would also discuss the potential occurrence of these species within the BSA; an explanation of the status of these species and their protection under the Endangered Species Act and other laws; the measures to be implemented to conserve listed species and their habitats as they relate to the work site; workers' personal liability; and boundaries within which construction may occur. Documentation of the training, including	Less than Significant

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
	sign-in sheets, would be kept on file and would be available on request.	
Biological Resources	AMM BIO-5 Preconstruction Surveys. Prior to any ground disturbance, preconstruction surveys would be conducted by a qualified biologist. These surveys would consist of walking the Project site and, if possible, accessible adjacent areas within at least 50 feet of the Project site. The biologist(s) would investigate all potential cover and nesting/roosting sites, including vegetation, mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, culverts, and debris. Native vertebrates found in the cover sites within the Project site would be documented.	Less than Significant
Biological Resources	AMM BIO-6 Bat Preconstruction Surveys and Bat Protection. Due to the potential for roosting bats in trees and culverts adjacent to the Project site, a bat pre-construction survey will be conducted by a qualified biologist at dusk to determine the presence of bats within the Project site. A Qualified Biologist shall conduct a habitat assessment for potentially suitable bat roosting habitat, including existing trees and culverts within 15 feet of the Project site prior to construction activities. If the habitat assessment reveals existing trees or culverts are suitable roosting habitat for bats, then the appropriate measures will be implemented prior to the construction during the period between March 1 and April 15 or August 31 to October 15. Potential avoidance may include visual monitoring, and staging project work to avoid bats. If suitable habitat is present within trees, and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys shall be conducted two to three days	Less than Significant

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
	prior to any tree removal or trimming. If presence/absence surveys are negative, then tree removal may be conducted by following a two-phased tree removal system. If surveys indicate bat presence, then the occupied trees shall only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two-phased tree removal system. The two phased system shall be conducted over two consecutive days. On the first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches without those features removed. On the second day, the entire tree shall be removed.	
Biological Resources	AMM BIO-7 Water Features No work will occur in any water features such as wetlands or jurisdictional waters.	Less than Significant
Biological Resources	AMM BIO-8 Standard Best Management Practices (BMPs) The potential for adverse impacts to water quality would be avoided by implementing temporary and permanent BMPs. Erosion control BMPs would be used to minimize any wind- or water-related erosion. The BMP measures include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges. Protective measures would be included in the contract, including, at a minimum: ▪ No discharge of pollutants from vehicle and equipment cleaning are allowed into the storm drain or water courses.	Less than Significant

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
	- Vehicle and equipment fueling, and maintenance operations must be at least 50 feet away from water courses. - Concrete wastes are collected in washouts and water from curing operations is collected and disposed of and not allowed into water courses. - Dust control will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require. - Work areas where temporary disturbance has removed the pre-existing vegetation will be re-seeded with a native seed mix. - Graded areas will be protected from erosion using a combination of silt fences, fiber rolls along toe of slopes or along edges of designated staging areas, and erosion-control blankets (such as jute or coir) as appropriate. A Revegetation Plan will be prepared for restoration of temporary work areas. Pavement and base will be removed, topography blended with the surrounding area, and topsoil will be salvaged from the new alignment area to be placed over the restored area, which will then be revegetated.	
Biological Resources	AMM BIO-9 Concrete Waste and Stockpiles All grindings and asphaltic-concrete waste would be stored within previously disturbed areas absent of habitat and at a minimum of 150 feet from any aquatic habitat, culvert, or drainage feature	Less than Significant

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
Biological Resources	AMM BIO-10 Revegetation Following Construction All areas that are temporarily affected during construction would be revegetated with an assemblage of native grass, shrub, and trees as appropriate. Invasive, exotic plants would be controlled within the project site to the maximum extent practicable, pursuant to Executive Order 13112.	Less than Significant
Cultural Resources	Mitigation Measure CUL 1: Archaeological and Tribal Monitoring Due to the potential for intact buried pre-contact deposits to be present within the Project site, a Secretary of the Interior-qualified archaeologist and Federated Indian of Graton Rancheria (FIGR) Tribal representative shall be required to monitor all ground-disturbing work associated with the Project, with monitoring able to be reduced or discontinued based on a recommendation from the archaeologist in coordination with FIGR. Full-time archaeological and Tribal monitoring is anticipated within Areas 1 through 4, where the most extensive areas of ground disturbance are proposed, to ensure that any cultural resources uncovered are observed, recorded, and avoided if feasible. Monitoring will not be required for ground-disturbing activities reoccurring in areas that have already been affected by Project-related ground disturbance which were previously monitored with negative findings. Monitoring will adhere to the Monitoring and Treatment Plan prepared by InContext for the Project in March 2024, which defines specific roles and responsibilities of the parties involved in the Project, communication protocols, pre-construction training, pre-construction logistics, and specific tasks that will be carried out during the monitoring.	Less than Significant with Mitigation

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
Cultural Resources	Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources If pre-contact or historic-era archaeological resources are encountered during Project implementation, all construction activities within 100 feet of the discovery shall halt, and a Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery and notify the County Department of Public Works project manager of their initial assessment. If the find is deemed pre-contact, a FIGR Tribal representative will be invited to evaluate the find. If the County determines, based on recommendations from a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American related), that the resource may qualify as a historical resource or unique archaeological resource (defined in State CEQA <i>Guidelines</i> Section 15064.5) or a tribal cultural resource (defined in PRC Section 21080.3), the resource shall be avoided, if feasible. If avoidance is not feasible, the County shall work with a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts or adverse effects to the resource. This shall include documentation of the resource and may include data recovery, if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource.	Less than Significant with Mitigation
Geology and Soils	Mitigation Measure GEO-1: Treatment of expansive soils Expansive soils shall be addressed through treatment or removal, in order to reduce the potential for structural damage. Slabs-on-grade should have sufficient reinforcement and be supported on a layer of non-expansive fill. Treatment of expansive soil may include lime or other additives to reduce expansion potential. Footings should extend below the zone of seasonal moisture	Less than Significant with Mitigation

Summary of Mitigation Measures		
Environmental Factor	Avoidance/Mitigation Measures	Level of Environmental Impact
	content variation. Expansive soils may also be replaced with a non-expansive fill material to a depth where the seasonal moisture content variation becomes relatively insignificant. The appropriate depth shall be determined by a qualified structural engineer. In addition, moisture changes in the surficial soils should be limited by directing drainage away from buildings, as well as limiting the water used for landscaping.	
Geology and Soils	Mitigation Measure GEO-2: Discovery of Paleontological Resources Discovery of a paleontological specimen during any phase of the Project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact to a less than significant level.	Less than Significant with Mitigation
Tribal Cultural Resources	Mitigation Measure TCR-1: Geotechnical Drilling Investigation Due to the potential for intact buried pre-contact deposits to occur within the Project area, the County will conduct geotechnical drilling within the delineated boundaries of the archaeological sites identified within the Project limits where excavations are proposed to extend beyond the depth of the road section. The drilling will be conducted prior to the start of construction at those locations to help inform the Project design where deeper excavations may impact cultural and tribal cultural resources. The testing will be monitored by a qualified archaeologist and a FIGR tribal representative.	Less than Significant with Mitigation
Mandatory Findings of Significance	Please see AMM BIO-1 through AMM BIO-5 , Mitigation Measure CUL 1 , Mitigation Measure CUL 2 , Mitigation Measure GEO-1 , and Mitigation Measure GEO-2 and Mitigation Measure TCR-1	Less than Significant with Mitigation

Exhibit A

LOMITA DRIVE ROAD REHABILITATION PROJECT

FINAL INITIAL STUDY

SCH No.: 2025061339

Prepared For:

**County of Marin
Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903**

Prepared By:

**Circlepoint
42 S. First Street, Suite D
San Jose, CA 95113**

November 2025

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MARIN COUNTY DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
FINAL INITIAL STUDY
LOMITA DRIVE ROAD REHABILITATION PROJECT

I. Project Contact

- | | | |
|-----------|----------------|---|
| A. | Name: | Rachel Calvert |
| B. | Agency: | Marin County Department of Public Works |
| C. | Title: | Senior Civil Engineer |
| D. | Email: | Rachel.Calvert@MarinCounty.gov |

II. Project Description

- | | | |
|-----------|----------------------------------|---|
| A. | Project Title: | Lomita Drive Road Rehabilitation Project |
| B. | Project Type: | Road Rehabilitation, Curb Gutter and Sidewalk, and Minor Drainage Improvements |
| C. | Project Location: | Lomita Drive from Summerset Lane to Horse Hill Preserve, Mill Valley |
| D. | General Plan Designation: | SF-5 |
| E. | Zoning: | Road Right-of-Way Adjacent to Community Facility and Residential Zoning Districts |
| F. | Description of Project: | |

ENVIRONMENTAL SETTING

Project Location

The Lomita Drive Road Rehabilitation Project (Project) site is located in an unincorporated area of southern Marin County adjacent to the City of Mill Valley, and in the City of Mill Valley (See **Figure 1** Regional Map) near the intersection of Somerset Lane and continues east to Horse Hill Preserve adjacent to U.S. Highway 101 (US 101). The portion of Lomita Drive included in the Project site does not provide access to US 101.

Project Site Characteristics

As shown in **Figure 3a** through **Figure 3c**, the Project site consists of 2,900 linear feet of the paved roadway and adjacent areas within the existing road right-of-way (ROW), including one travel lane in each direction, on-street parking on both sides, and striped bike lanes (which share the road with vehicles). Shoulder areas are graveled and include ruderal vegetation in some locations. There are intermittent existing sidewalks throughout the Project site. Some existing sidewalks have a red curb to prevent on-street parking.

The Project site is surrounded by predominantly urban and landscaped areas located in a predominantly residential area. The Project site is bordered by Edna Maguire Elementary School to the northwest; primarily residential development to the north, west, and south; a park and open space to the north; and US-101 to the east.

It is estimated that there are 87 trees within the surrounding area and within 15 feet of Lomita Drive. It is anticipated that most of these trees would not be impacted during Project activities within the roadway.

A drainage area that daylights adjacent to the Project site is located near the intersection of Lomita Drive and Dollar Fire Road.

Land Use Setting

The Project area is developed with existing land uses including predominately residential development, a commercial development, and Edna Maguire Elementary School. US-101 is located adjacent to the eastern edge of the Project site.

PROPOSED PROJECT

Project Components

The County is proposing to perform pavement sealant, pavement rehabilitation and build approximately 500 linear feet of new sidewalk along Lomita Drive, closing two gaps in the pedestrian network. As part of the Project, the County will remove vegetation, construct sidewalks, new curbs and gutters, pedestrian curb ramp access, storm drain maintenance hole cover(s), drop inlet turning structures, storm drain infrastructure, and will complete grinding and paving, or micro-surfacing, of the full 2,900 linear feet of pavement. In addition, the County may also construct driveway approaches and concrete driveway conforms. The County will also adjust utilities and pavement markings as needed. Some excavation and some infill will be necessary to correct the topography of the road for improved surface drainage. Excavations for road grading will be less than 18 inches. The County will also adjust utilities and pavement markings as needed.

Subsurface work and excavation/trenching will be required for stormwater infrastructure. New or reconfigured subsurface storm drains would be installed at the western end of the Project near Edna Maguire Elementary School, along the north and the south side of Lomita Drive within the ROW adjacent to the southern parcel line of the school, and on the north side of Lomita Drive within the ROW between Shell Road and the eastern end

of the Project site. These new or replaced storm drains would connect into the existing storm drain system along Lomita Drive. Trenching and other ground-disturbing work associated with the storm drain system improvements would have a maximum depth of 10 feet below ground surface.

Construction

All construction staging and access would occur within the Project site, within the existing ROW. The Project would be constructed in two phases and includes:

- Demolition: Grinding and removal of existing pavement, curb, gutter and sidewalk, and associated features along Lomita drive, in areas where new pavement, sidewalks, and other improvements are proposed.
- Grading and Excavation: Grading, trenching, and utility work needed to provide adequate stormwater infrastructure, paving and concrete work.
- Paving: Paving, concrete work, micro-surfacing, conforms, and other supporting activities to construct new sidewalks and ramps.
- Striping: Roadway striping and signage.

Construction is anticipated to begin in summer of 2025 and conclude by September 2027. It is assumed that the Project will be constructed in two phases. Phase 1 will be adjacent to the Horse Hill Preserve to the east and will include the construction of a retaining wall, road widening, vegetation removal, installation of underground storm drain and storm drain inlets along with curb ramps, and paving and restriping. Phase 2 would include the remainder of the scope of work along Lomita Drive from the eastern limits (between Shell Road and Somerset Lane) of the Project to Greenfield Court. These two phases can be seen in **Figure 2b** below.

Construction activities would typically occur from Monday through Friday during the hours of 7:00 a.m. to 6:00 p.m., with an extension of time into later hours on Saturdays from 9:00 a.m. to 5:00 p.m. This extension of time will occur through collaboration with the adjacent public schools including the Edna Maguire Public Elementary School, as well as nearby private schools including Terra Marin Middle School and Terra Mandarin Pre-school. Access to the schools may be temporarily affected which would result in possible detours. No work would be conducted on prohibited holidays, as described in Section 6.70.030(5)(a) of the County of Marin's Municipal Code. Road closure will be necessary for the installation of the new storm drain at the western end of the Project. Detours and local traffic access will be provided. Several driveways along the length of the Project will be closed at various times for short durations. There will be frequent and direct communication and coordination with those residents.

During the Project, heavy equipment to be used includes:

- Demolition: bulldozers, excavators, dump trucks
- Grading and Excavation: bulldozers, excavators, dump trucks, road roller, backhoe, compactor, wheel loader, motor grader

- Paving: concrete mixer, concrete pump, paver, jack hammer
- Striping: paver, painting equipment/machinery

Avoidance and Minimization Measures

To avoid potentially significant impacts to biological resources, including special status species and sensitive habitats within the Project site, the County will implement the following Avoidance and Minimization Measures (AMMs):

- **AMM BIO-1 Work Window for Nesting Birds.** To the extent practicable, clearing and grubbing activities would be conducted during the non-nesting season, from October 1 to January 31.
- **AMM BIO-2 Preconstruction Surveys for Nesting Birds.** Preconstruction surveys for nesting birds would be conducted by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 1 to September 30).
- **AMM BIO-3 Non-disturbance Buffer for Nesting Birds.** If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, a non-disturbance buffer would be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the species' sensitivity to disturbance, and the intensity/type of potential disturbance.
- **AMM BIO-4 Worker Environmental Awareness Training.** All construction personnel would attend a mandatory environmental education program delivered by a qualified biologist prior to working on the Project. At a minimum, the training would include a description of listed species, migratory birds, and their habitats. The training would also discuss the potential occurrence of these species within the BSA; an explanation of the status of these species and their protection under the Endangered Species Act and other laws; the measures to be implemented to conserve listed species and their habitats as they relate to the work site; workers' personal liability; and boundaries within which construction may occur. Documentation of the training, including sign-in sheets, would be kept on file and would be available on request.
- **AMM BIO-5 Preconstruction Surveys.** Prior to any ground disturbance, preconstruction surveys would be conducted by a qualified biologist. These surveys would consist of walking the Project site and, if possible, accessible adjacent areas within at least 50 feet of the Project site. The biologist(s) would investigate all potential cover and nesting/roosting sites, including vegetation, mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, culverts, and debris. Native vertebrates found in the cover sites within the Project site would be documented.
- **AMM BIO-6 Bat Preconstruction Surveys and Bat Protection.** Due to the potential for roosting bats in trees and culverts adjacent to the Project site, a bat

pre-construction survey will be conducted by a qualified biologist at dusk to determine the presence of bats within the Project site.

A Qualified Biologist shall conduct a habitat assessment for potentially suitable bat roosting habitat, including existing trees and culverts within 15 feet of the Project site prior to construction activities. If the habitat assessment reveals existing trees or culverts are suitable roosting habitat for bats, then the appropriate measures will be implemented prior to the construction during the period between March 1 and April 15 or August 31 to October 15.

Potential avoidance may include visual monitoring, and staging project work to avoid bats. If suitable habitat is present within trees, and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys shall be conducted two to three days prior to any tree removal or trimming. If presence/absence surveys are negative, then tree removal may be conducted by following a two-phased tree removal system. If surveys indicate bat presence, then the occupied trees shall only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two-phased tree removal system.

The two phased system shall be conducted over two consecutive days. On the first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches without those features removed. On the second day, the entire tree shall be removed.

- **AMM BIO-7 Water Features.** No work will occur in any water features such as wetlands or jurisdictional waters.
- **AMM BIO-8 Standard Best Management Practices (BMPs).** The potential for adverse impacts to water quality would be avoided by implementing temporary and permanent BMPs. Erosion control BMPs would be used to minimize any wind- or water-related erosion. The BMP measures include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges.

Protective measures would be included in the contract, including, at a minimum:

- No discharge of pollutants from vehicle and equipment cleaning are allowed into the storm drain or water courses.
- Vehicle and equipment fueling, and maintenance operations must be at least 50 feet away from water courses.
- Concrete wastes are collected in washouts and water from curing operations is collected and disposed of and not allowed into water courses.

- Dust control will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require.
 - Work areas where temporary disturbance has removed the pre-existing vegetation will be re-seeded with a native seed mix.
 - Graded areas will be protected from erosion using a combination of silt fences, fiber rolls along toe of slopes or along edges of designated staging areas, and erosion-control blankets (such as jute or coir) as appropriate.
 - A Revegetation Plan will be prepared for restoration of temporary work areas. Pavement and base will be removed, topography blended with the surrounding area, and topsoil will be salvaged from the new alignment area to be placed over the restored area, which will then be revegetated.
- **AMM BIO-9 Concrete Waste and Stockpiles.** All grindings and asphaltic-concrete waste would be stored within previously disturbed areas absent of habitat and at a minimum of 150 feet from any aquatic habitat, culvert, or drainage feature.
 - **AMM BIO-10 Revegetation Following Construction.** All areas that are temporarily affected during construction would be revegetated with an assemblage of native grass, shrub, and trees as appropriate. Invasive, exotic plants would be controlled within the project site to the maximum extent practicable, pursuant to Executive Order 13112.

Best Management Practices

Since the Project is a County sponsored project, it would not be required to implement requirements specified in Chapter 22 of the County Municipal Code. However, the County has elected to incorporate the following BMPs into the project:

Section 22.20.040- Outdoor Construction Activities.

C. Dust and Emission Control. The following dust and emission 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.

Required Permits

Permits from local, regional, and federal authorities include:

- Cooperative Agreement & Encroachment Permit with the City of Mill Valley
- Encroachment Permit and Easement Agreement from Marin County Parks
- National Pollutant Discharge Elimination System General Construction Permit





Source: Marin County

Marin Lomita Drive Project



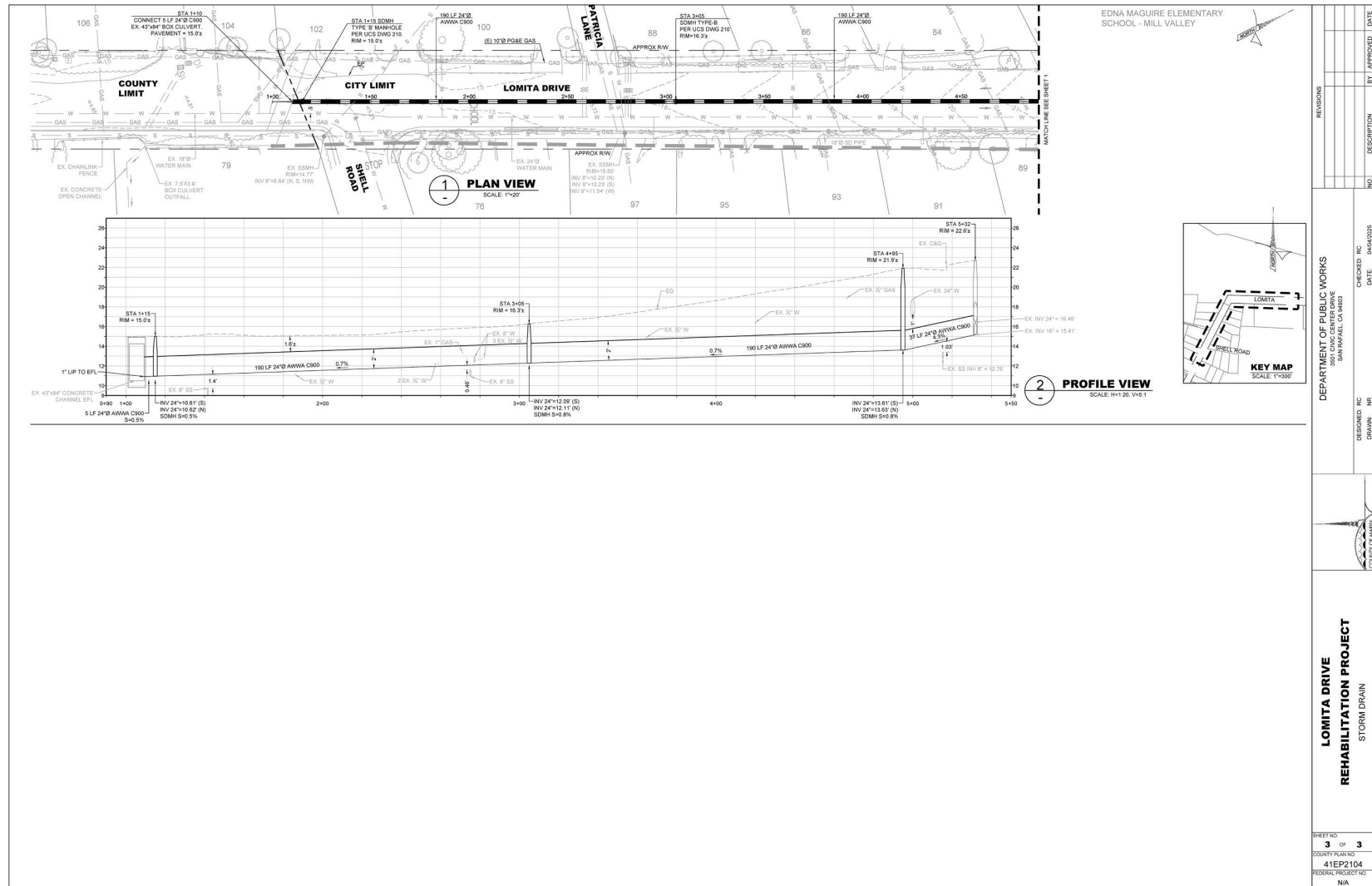
Source: Marin County

Project Phases

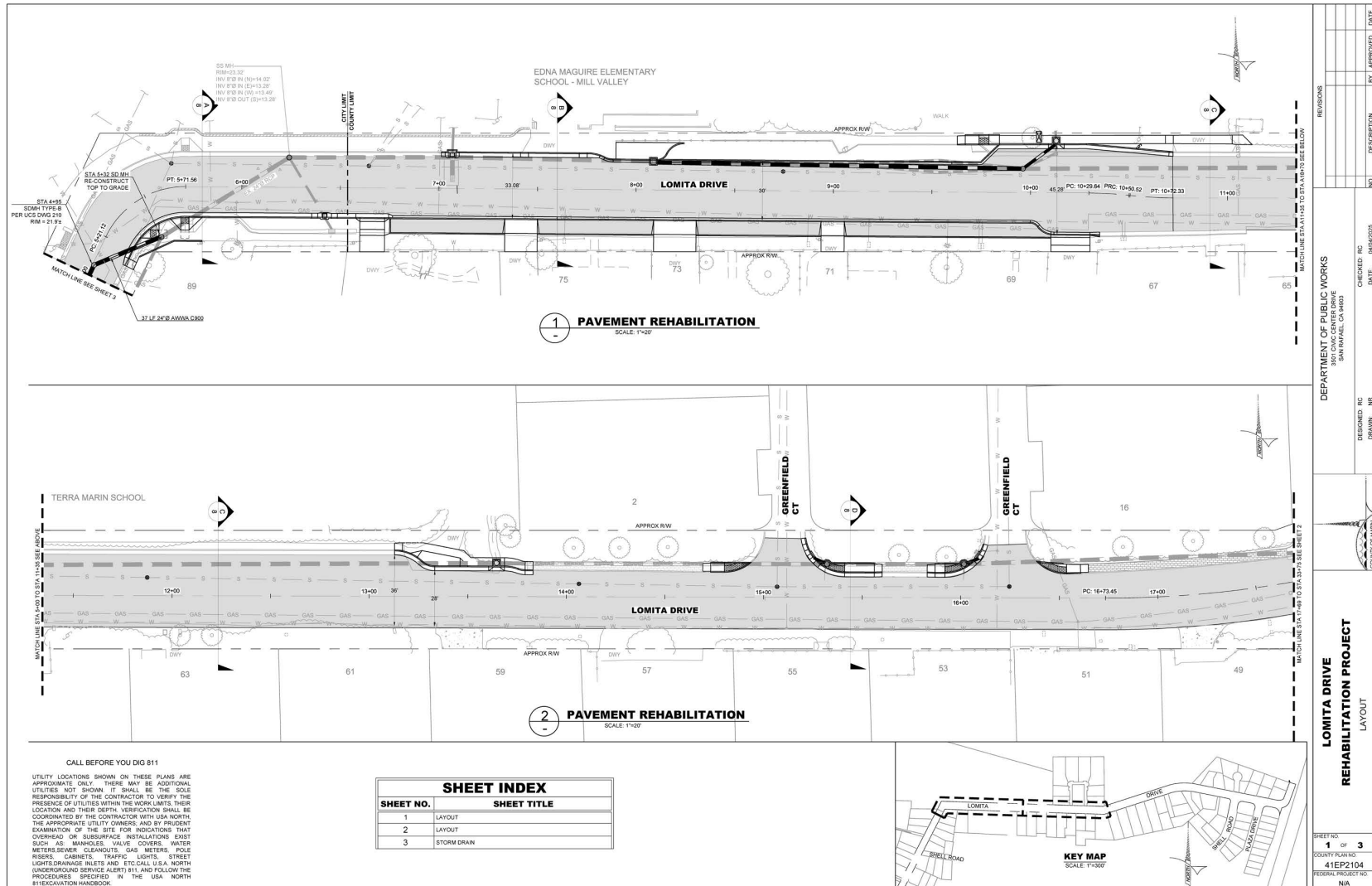
Figure

2b

Source: County of Marin Department of Public Works



Marin Lomita Drive Project



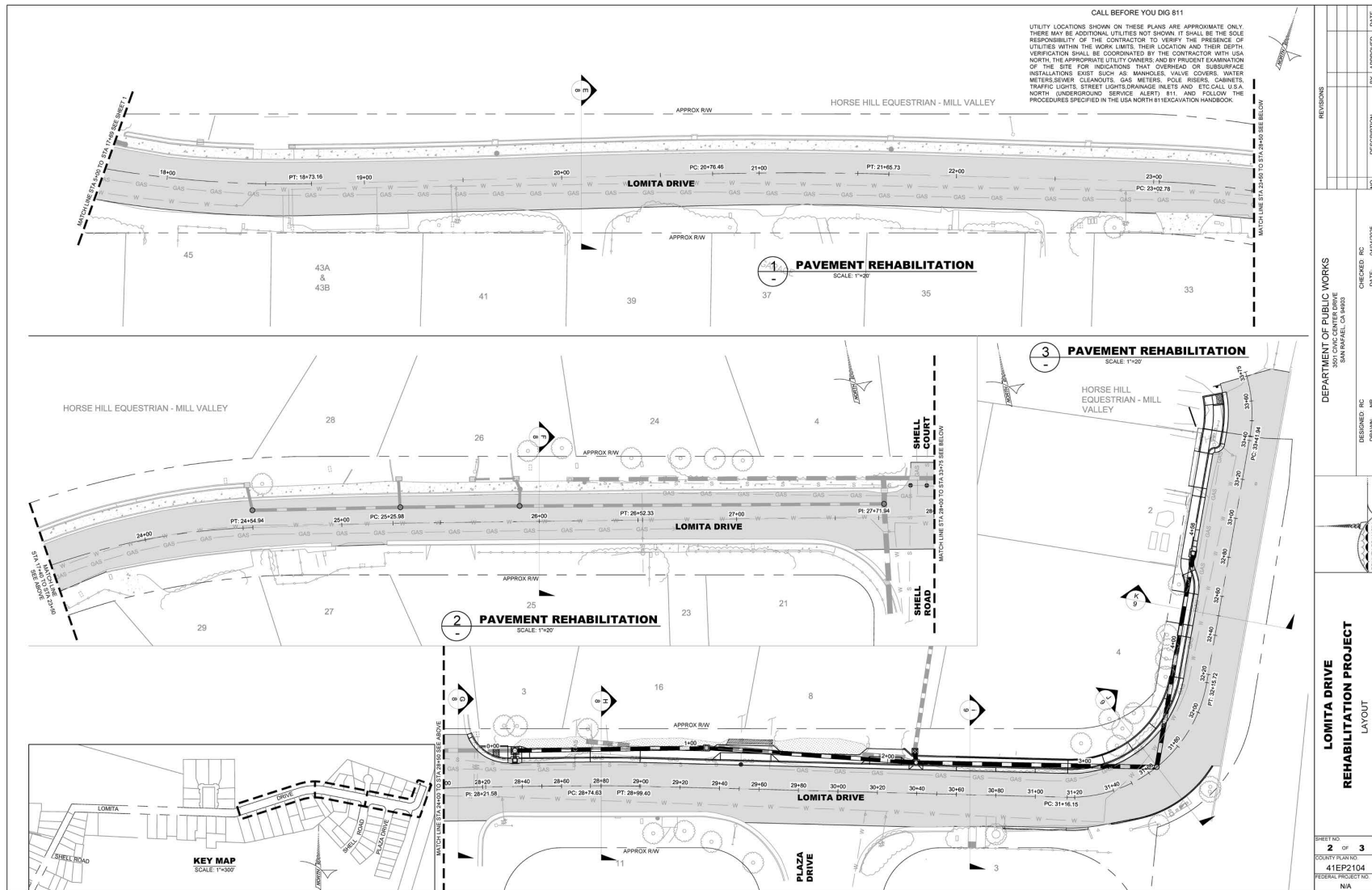
Site Plan

Figure

3b

Source: County of Marin Department of Public Works

Marin Lomita Drive Project



Site Plan

Figure

3c

Source: County of Marin Department of Public Works

Required Permits

Permits from regional, State, and national authorities are not anticipated.

III. CIRCULATION AND REVIEW

This Initial Study/Mitigated Negative Declaration is being circulated for a 30-day review and comment period pursuant to 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)
- Southern Marin Fire District
- Marin County Parks
- Marin County Flood Control and Water Conservation District

Trustee and Responsible Agencies:

- California Department of Fish and Wildlife
- San Francisco Regional Water Quality Control Board
- City of Mill Valley

IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to Section 15063 of the State CEQA Guidelines, and the County Environmental Impact Report (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 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 database 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.

- | | |
|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources |
| ☐ Air Quality | ☐ Biological Resources |
| ☒ Cultural Resources | ☐ Energy |
| ☒ Geology and Soils | ☐ Greenhouse Gas Emissions |
| ☐ Hazards and Hazardous Materials | ☐ Hydrology and Water Quality |
| ☐ Land Use and Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population and Housing |
| ☐ Public Services | ☐ Recreation |
| ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities and Service Systems | ☐ Wildfire |
| ☐ 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?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In nonurbanized areas, 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?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Regulatory Setting

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

The Caltrans Scenic Highway Program has not designated any scenic highways or potentially eligible scenic highways in Marin County.¹ In the county, eligible State Scenic Highways (not officially designated) include State Route (SR) 1 from the Seattle, Washington to San Diego, California and US Highway 101 (US-101). The highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. An eligible State highway becomes officially designated through a process in which the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a State Scenic Highway by the Caltrans Director.²

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was amended in January 2023. The Plan's Policy DES-4.1, Preserve Visual Quality, establishes the goal of protecting scenic resources, including views of ridgelines, upland greenbelts, hillsides, water, and trees.

Environmental Setting

The Project site is located within a residential area of unincorporated southern Marin County, adjacent to the City of Mill Valley, and in the City of Mill Valley. The portion of Lomita Drive included in the Project begins near the intersection of Somerset Lane and continues east to Hill Preserve adjacent to US-101. The surrounding development consists of single-family residential uses. The closest residences are located adjacent to

¹ California Department of Transportation (Caltrans). 2023. *California State Scenic Highway System Map*. Available: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed: September 11, 2023.

² California Department of Transportation (Caltrans). 2024. Scenic Highways -Frequently Asked Questions. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2> Accessed: August 12, 2024.

the south of the Project site. Land uses adjacent to the Project site to the north, in Mill Valley, include Open Space (O-A), Community Facilities (C-F), Single Family Residential (min 10,000 SF) (RS-10), Planned Single Fam Res (2.5 ac) (RSP-2.5a), and Open Space (POS) within Corte Madera city boundaries. Land uses adjacent to the Project site to the south, within unincorporated Marin County, are Single Family Residential (SF-5 and SF-6), and Multi-Family Residential (MF 4.5), within Mill Valley to the south is Single Fam Residential (min 6,000 SF) (RS-6).

Lomita Drive provides entrance to the Horse Hill Open Space Preserve through the Dollar Fire Road on the northern side of the drive. The Project site is flat with trees and perimeter landscaping along Lomita Drive.

Viewers of the Project would include students and faculty that attend Terra Marin School, Edna Maguire Elementary School, the Bright Horizons EDS Edna Maguire Day Care, residents along Lomita Drive, Shell Road, and Patricia Lane, and drivers along Lomita Drive, Shell Road, and southbound US-101. The sensitivity of residents in these areas is considered high because their views of the Project site would be consistent and extensive. The sensitivity of students and faculty in the Project area would be considered moderate, as their views of the Project site would be for several hours each weekday. The viewer sensitivity of motorists would be considered low because their views of the Project site would be brief and intermittent.

Impact Discussion

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

- **Less Than Significant Impact.** The Project would result in temporary visual changes during construction due to the presence of construction vehicles, road signage, and demolition debris. These temporary visual changes would be visible to motorists and residents in the area but would be removed when construction is complete. Therefore, the Project would not have substantial adverse effects on a scenic vista and this impact would be less significant.

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

- **No Impact.** The Project is not located within a state-designated scenic highway viewshed. While participation in the Scenic Highway Program is under consideration, Marin County does not currently have any state-designated scenic highways within its jurisdiction. No impact would occur.

c) In nonurbanized areas, 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??

- **Less Than Significant Impact.** Parcels adjacent to the Project site are zoned as SF5-Single Family 5, SF6-Single Family 6, and RS-10-Single Family Residential (min 10,000 SF) and are subject to Countywide Planning efforts to preserve visual quality. However, because the Project would only replace existing road infrastructure, it would not conflict with existing zoning or regulations governing scenic quality at the Project site. This impact would be less significant.
- d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**
- **Less than Significant Impact.** The Project would not include permanent structures or facilities that generate light and glare. Construction equipment and materials on the Project site could temporarily create light and glare, but these sources would be removed after construction and would not represent a permanent, substantial source of light or glare that would adversely affect daytime or nighttime views in the area. This impact would be less significant.

2 Agriculture and Forestry Resources

Would the project:	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?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Regulatory Setting

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the Project area. Four unique classifications of farmland that are specific to the FMMP are considered valuable: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Any conversion of land within these classifications is typically considered an environmental impact under CEQA. Other categories of farmlands specific to the FMMP that are not protected by the Department of Conservation include Grazing Land, Urban and Built-up Land, and Other Land.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses. The Project site is not subject to a Williamson Act contract.³

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁴ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a Project site.

³ County of Marin, Department of Planning and Development. Williamson Act Program. Available: <https://www.marincounty.org/depts/cd/divisions/planning/applications-fees-and-resources/fact-sheets/page-data/williamson-act-program/williamson-act-program> Accessed October 25, 2023.

⁴ California Department of Forestry and Fire Protection (CAL FIRE). 2022. *Fire and Resource Assessment Program*. Available: <http://frap.fire.ca.gov/>. Accessed: October 24, 2023.

Environmental Setting

The Project site is designated as Urban and Built-up Land by the FMMP.⁵ The FMMP defines the Urban and Built-up Land category as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and is not under a Williamson Act contract. Parcels adjacent to the Project site along Lomita Drive are zoned for residential use.

Impact Discussion

- 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?**
 - **No Impact.** The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and is not under a Williamson Act contract. The nearest Farmland is approximately 12.27 miles to the northeast. Therefore, there would be no impact.
- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**
 - **No Impact.** No land adjacent to the Project site is designated as farmland. Therefore, implementation of the Project would not impact farmland and would not conflict with zoning for agricultural use or a Williamson Act contract.
- 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))?**
 - **No Impact.** The Project is surrounded by residential land uses to the south of the Project site and does not contain forest land or other similar resources. Therefore, the Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)),

⁵ California Department of Conservation, Division of Land Resource Protection. 2022. *Farmland Mapping & Monitoring Program*. Available: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed: October 23, 2023.

timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)), and no impact would occur.

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

- **No Impact.** As discussed in Threshold (c), there is no forest land on the Project site or in the area surrounding the Project. Therefore, implementation of the Project would not impact forest lands or result in the conversion of forest land to non-forest use.

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?

- **No Impact.** As discussed in Thresholds (a) through (d), the Project site is currently zoned for residential land uses and does not include any farmland or forest land or in the areas surrounding the Project site. Therefore, the implementation of the Project would not impact farmland or forest lands, nor would it result in the conversion of farmlands or forest lands to non-agricultural or non-forest uses.

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.

Would the project:	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?	☐	☐	☒	☐
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.	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Regulatory Setting

Local Climate and Meteorology

The Project site is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that State and Federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Air Pollutants of Primary Concern

Primary criteria pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack). The Federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection

Agency (U.S. EPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for “criteria pollutants” and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide, volatile organic compounds (VOC)/reactive organic gases (ROG),⁶ nitrogen oxides (NO_x), particulate matter with diameters of up to 10 microns (PM₁₀) and up to 2.5 microns (PM_{2.5}), sulfur dioxide (SO₂), and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROG and NO_x. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog). The characteristics, sources and effects of criteria pollutants are discussed in the following subsections. The following subsections describe the characteristics, sources, and health and atmospheric effects of air pollutants of primary concern.

Ozone

Ozone is a highly oxidative unstable gas produced by a photochemical reaction (triggered by sunlight) between NO_x and ROG. ROG is composed of non-methane hydrocarbons (with specific exclusions), and NO_x is composed of different chemical combinations of nitrogen and oxygen, mainly nitric oxide (NO) and NO₂. NO_x is formed during the combustion of fuels, while ROG is formed during the combustion and evaporation of organic solvents. As a highly reactive molecule, ozone readily combines with many multiple different atmosphere components. Consequently, high ozone levels tend to exist only while high ROG and NO_x levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Because these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant.

In addition, because ozone requires sunlight to form, it mainly occurs in concentrations considered serious between April and October. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors. Depending on the level of exposure, ozone can cause coughing and a sore or scratch throat; make it more difficult to breathe deeply and vigorously and cause pain when taking a deep breath; inflame and damage the airways; make the lungs more susceptible to infection; and aggravate lung diseases such as asthma, emphysema, and chronic bronchitis.⁷

⁶ CARB defines VOC and ROG similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this analysis.

⁷United States Environmental Protection Agency. 2022. *Ground-level Ozone Basics*. Available: <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#effects>. Accessed: July 7, 2023.

Carbon Monoxide

Carbon monoxide (CO) is a localized pollutant found in high concentrations only near its source. The primary source of CO, a colorless, odorless, poisonous gas, is automobile traffic's incomplete combustion of petroleum fuels. Therefore, elevated concentrations are usually only found near areas of high traffic volumes. Other sources of CO include the incomplete combustion of petroleum fuels at power plants and fuel combustion from wood stoves and fireplaces throughout the year. When CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. These people already have a reduced ability to get oxygenated blood to their hearts in situations where they need more oxygen than usual. As a result, they are especially vulnerable to the effects of CO when exercising or under increased stress. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain, also known as angina.⁸

Nitrogen Dioxide

Nitrogen dioxide (NO₂) is a by-product of fuel combustion. The primary sources are motor vehicles and industrial boilers, and furnaces. The principal form of NO_x produced by combustion is NO, but NO reacts rapidly to form NO₂, creating the mixture of NO and NO₂, commonly called NO_x. NO₂ is a reactive, oxidizing gas and an acute irritant capable of damaging cell linings in the respiratory tract. Breathing air with a high concentration of NO₂ can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases leading to respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of NO₂ may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, such as children and the elderly are generally at greater risk for the health effects of NO₂.⁹ NO₂ absorbs blue light and causes a reddish-brown cast to the atmosphere and reduces visibility. It can also contribute to the formation of O₃/smog and acid rain.

Sulfur Dioxide

SO₂ is included in a group of highly reactive gases known as “oxides of sulfur.” The largest sources of SO₂ emissions are from fossil fuel combustion at power plants (73 percent) and other industrial facilities (20 percent). Smaller sources of SO₂ emissions include industrial processes such as extracting metal from ore and burning fuels with a high sulfur content by locomotives, large ships, and off-road equipment. Short-term

⁸ United States Environmental Protection Agency. 2022. *Basic Information about Carbon Monoxide (CO) Outdoor Air Pollution*. <https://www.epa.gov/co-pollution/basic-information-about-carbon-monoxide-co-outdoor-air-pollution#Effects>. Accessed July 7, 2023.

⁹United States Environmental Protection Agency. 2022. *Basic Information about NO₂*. Available: <https://www.epa.gov/no2-pollution/basic-information-about-no2#Effects>. Accessed: July 7, 2023.

exposures to SO₂ can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of SO₂.¹⁰

Particulate Matter

Suspended atmospheric PM₁₀ and PM_{2.5} are comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Both PM₁₀ and PM_{2.5} are emitted into the atmosphere as byproducts of fuel combustion and wind erosion of soil and unpaved roads. The atmosphere, through chemical reactions, can form particulate matter. The characteristics, sources, and potential health effects of PM₁₀ and PM_{2.5} can be very different. PM₁₀ is generally associated with dust mobilized by wind and vehicles. In contrast, PM_{2.5} is generally associated with combustion processes and formation in the atmosphere as a secondary pollutant through chemical reactions. PM₁₀ can cause increased respiratory disease, lung damage, cancer, premature death, reduced visibility, surface soiling. For PM_{2.5}, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases.¹¹

Lead

Lead (Pb) is a metal found naturally in the environment, as well as in manufacturing products. The major sources of lead emissions historically have been mobile and industrial. However, due to the United States EPA's regulatory efforts to remove lead from gasoline, atmospheric Pb concentrations have declined substantially over the past several decades. The most dramatic reductions in Pb emissions occurred before 1990 due to the removal of Pb from gasoline sold for most highway vehicles. Pb emissions were further reduced substantially between 1990 and 2008, with reductions occurring in the metals industries at least partly due to national emissions standards for hazardous air pollutants (U.S. EPA 2013). As a result of phasing out leaded gasoline, metal processing is currently the primary source of Pb emissions. The highest Pb level in the air is generally found near Pb smelters. Other stationary sources include waste incinerators, utilities, and Pb-acid battery manufacturers. Pb can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems, and cardiovascular system depending on exposure. Pb exposure also affects the oxygen-carrying capacity of the blood. The Pb effects most likely encountered in current populations are neurological in children. Infants and young children are

¹⁰United States Environmental Protection Agency. 2023. *Sulfur Dioxide Basics*. <https://www.epa.gov/so2-pollution/sulfur-dioxide-basics#effects>. Accessed July 7, 2023.

¹¹ California Air Resource Board. 2023. *Overview: Diesel Exhaust & Health*. N.d. Available: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. Accessed July 7, 2023.

susceptible to Pb exposures, contributing to behavioral problems, learning deficits, and lowered IQ.¹²

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TAC) are airborne substances diverse group of air pollutants that may cause or contribute to an increase in deaths or serious illness, or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micron in diameter (about 1/70th the diameter of a human hair) and thus is a subset of PM_{2.5}. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs.¹³ TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health. People exposed to TACs at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing other serious health effects. These health effects can include damage to the immune system, as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory, and other health problems.¹⁴

Air Quality Regulation

The Federal and State Governments have authority under the Federal and State CAA to regulate emissions of airborne pollutants and have established ambient air quality standards (AAQS) for the protection of public health. An air quality standard is defined as “the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without harming public health.”¹⁵ The U.S. EPA is the Federal agency designated to administer air quality regulation, while CARB is the State equivalent in California. Federal and State AAQS have been established for six criteria pollutants: Ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and Pb, which can be harmful to public

¹² United States Environmental Protection Agency. 2022. *Basic Information about Lead Air Pollution*. Available: <https://www.epa.gov/lead-air-pollution/basic-information-about-lead-air-pollution#health>. Accessed: October 23, 2023.

¹³ California Air Resource Board. 2022. *Overview: Diesel Exhaust & Health*. Available: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. Accessed: October 23, 2023.

¹⁴ United States Environmental Protection Agency. 2023. *Health and Environmental Effects of Hazardous Air Pollutants*. Available: <https://www.epa.gov/haps/health-and-environmental-effects-hazardous-airpollutants>. Accessed: October 23, 2023.

¹⁵ California Air Resources Board. 2023. *National Ambient Air Quality Standards*. Available: <https://ww2.arb.ca.gov/resources/national-ambient-air-quality-standards>. Accessed: October 23, 2023.

health and the environment. The CAA identifies two types of national ambient air quality standards. Primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.¹⁶ In addition, the State of California has established health-based ambient air quality standards for these and other pollutants, some of which are more stringent than the Federal standards.¹⁷ The Federal and State Clean Air Acts are described in more detail below.

Federal

The Federal CAA was enacted in 1970 and amended in 1977 and 1990 (42 United States Code [USC] 7401) for the purposes of protecting and enhancing the quality of the nation's air resources to benefit public health, welfare, and productivity. In 1971, to achieve the purposes of Section 109 of the CAA (42 USC 7409), the U.S. EPA developed primary and secondary NAAQS. NAAQS have been designated for the following criteria pollutants: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. The primary NAAQS "in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health," and the secondary standards are to "protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air" (42 USC 7409[b][2]). The U.S. EPA classifies specific geographic areas as either "attainment" or "nonattainment" areas for each pollutant based on the comparison of measured data with the NAAQS. States are required to adopt an enforceable plan, known as a State Implementation Plan (SIP), to achieve and maintain air quality meeting the NAAQS. State plans also must control emissions that drift across state lines and adversely affect air quality in downwind states. Once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the Federal CAA. Areas that have been redesignated to attainment are called maintenance areas. **Table 3-1** below lists the current Federal standards for regulated pollutants.

¹⁶ United States Environmental Protection Agency. 2023. *NAAQS Table*. Available: <https://www.epa.gov/criteria-airpollutants/naaqs-table>. Accessed: October 23, 2023.

¹⁷ California Air Resources Board. 2023. *California Ambient Air Quality Standards*. Available: <https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>. Accessed: October 23, 2023.

Table 3-1 Federal and State Ambient Air Quality Standards

Pollutant	NAAQS	CAAQS
Ozone	0.070 ppm (8-hr avg)	0.09 ppm (1-hr avg) 0.070 ppm (8-hr avg)
Carbon Monoxide	35.0 ppm (1-hr avg) 9.0 ppm (8-hr avg)	20.0 ppm (1-hr avg) 9.0 ppm (8-hr avg)
Nitrogen Dioxide	0.100 ppm (1-hr avg) 0.053 ppm (annual avg)	0.18 ppm (1-hr avg) 0.030 ppm (annual avg)
Sulfur Dioxide	0.075 ppm (1-hr avg) 0.5 ppm (3-hr avg) 0.14 ppm (24-hr avg) 0.030 ppm (annual avg)	0.25 ppm (1-hr avg) 0.04 ppm (24-hr avg)
Lead	0.15 µg /m ³ (rolling 3-month avg) 1.5 µg /m ³ (calendar quarter)	1.5 µg /m ³ (30-day avg)
Particulate Matter (PM ₁₀)	150 µg /m ³ (24-hr avg)	50 µg /m ³ (24-hr avg) 20 µg /m ³ (annual avg)
Particulate Matter (PM _{2.5})	35 µg /m ³ (24-hr avg) 12 µg /m ³ (annual avg)	12 µg /m ³ (annual avg)
Visibility-Reducing Particles	No Federal Standards	Extinction coefficient of 0.23 per kilometer – visibility of ten miles or more (0.07 - 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent.

Pollutant	NAAQS	CAAQS
		Method: Beta Attenuation and Transmittance through Filter Tape. (8-hr avg)
Sulfates	No Federal Standards	25 µg/m ³ (24-hr avg)
Hydrogen Sulfide	No Federal Standards	0.03 ppm (1-hr avg)
Vinyl Chloride	No Federal Standards	0.01 ppm (24-hr avg)

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; avg = average; µg/m³ = micrograms per cubic meter

Source: CARB 2016

To derive the NAAQS, the U.S. EPA reviews data from integrated science assessments and risk/exposure assessments to determine the ambient pollutant concentrations at which human health impacts occur, then reduces these concentrations to establish a margin of safety.¹⁸ As a result, human health impacts caused by the air pollutants discussed above may affect people when ambient air pollutant concentrations are at or above the concentrations established by the NAAQS. The closer a region is to attaining a particular NAAQS, the lower the human health impact is from that pollutant. Accordingly, ambient air pollutant concentrations below the NAAQS are considered to be protective of human health.¹⁹ The NAAQS and the underlying science that forms the basis of the NAAQS are reviewed every five years to determine whether updates are necessary to continue protecting public health with an adequate margin of safety.^{20,21}

State

The California CAA was enacted in 1988 (California Health & Safety Code §39000 et seq.). Under the California CAA, the State has developed the CAAQS, which are generally more stringent than the NAAQS. **Table 3-1** above lists the current State standards for regulated pollutants. In addition to the Federal criteria pollutants, the CAAQS also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. Similar to the Federal CAA, the California CAA classifies specific

¹⁸ United States Protection Agency. 2023. *Process of Reviewing the National Ambient Air Quality Standards*. Available: <https://www.epa.gov/criteria-air-pollutants/process-reviewing-national-ambient-air-quality-standards>. Accessed: July 19, 2023.

¹⁹ California Air Resources Board. 2023b. National Ambient Air Quality Standards. Available:

<https://ww2.arb.ca.gov/resources/national-ambient-air-quality-standards>. Accessed: July 13, 2023.

²⁰ United States Environmental Protection Agency. 2015. *Overview of EPA's Updates to the Air Quality Standards for Ground-Level Ozone*. Available: https://www.epa.gov/sites/production/files/2015-10/documents/overview_of_2015_rule.pdf. Accessed: October 23, 2023.

²¹ California Air Resources Board. 2023c. California Ambient Air Quality Standards. Available: <https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>. Accessed: July 13, 2023.

geographic areas as either “attainment” or “nonattainment” areas for each pollutant, based on the comparison of measured data within the CAAQS.

Toxic Air Contaminants

As discussed above, TACs include both organic and inorganic chemical substances. One of the main sources of TACs in California is diesel engines that emit exhaust containing solid material known as DPM; however, TACs may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (Assembly Bill [AB] 1807: Health and Safety Code Sections 39650–39674). The Legislature established a two-step process to address the potential health effects from TACs. The first step is the risk assessment (or identification) phase. The second step is the risk management (or control) phase of the process.

The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. Additionally, the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly Bill) was enacted in 1987 and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, identify facilities having localized impacts, ascertain health risks, notify nearby residents of significant risks, and reduce those significant risks to acceptable levels. The Children's Environmental Health Protection Act, California Senate Bill (SB) 25 (Chapter 731, Escutia, Statutes of 1999), focuses on children's exposure to air pollutants. The act requires the CARB to review its air quality standards from a children's health perspective, evaluate the statewide air quality monitoring network, and develop any additional air toxic control measures needed to protect children's health.

State Implementation Plan

The SIP is a collection of documents that set forth the State's strategies for achieving the AAQS. In California, the SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, and permitting), district rules, State regulations, and Federal controls. The CARB is the lead agency for all purposes related to the SIP under State law. Local air districts and other agencies, such as the Department of Pesticide Regulation and the Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the United States EPA for approval and publication in the Federal Register. The items included in the California SIP are listed in the Code of Federal Regulations (CFR) at 40 CFR 52.220.

As the regional air quality management district, the BAAQMD is responsible for preparing and implementing the portion of the SIP applicable to the portion of the SFBAAB within its jurisdiction. The air quality management district for each region

adopts rules, regulations, and programs to attain Federal and State air quality standards and appropriates money (including permit fees) to achieve these standards. In addition, the following California Code of Regulations (CCR) sections would be applicable to the Project:

- **Engine Idling.** In accordance with Section 2485 of CCR Title 13, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Emission Standards.** In accordance with Section 93115 of CCR Title 17, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

NAAQS And NAAQS Attainment Status

California is divided geographically into 15 air basins for managing the air resources of the State on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. If an air basin is not in either Federal or State attainment for a particular pollutant, the basin is classified as a nonattainment area for that pollutant. Under the Federal and State CAA, once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the Federal CAA. Areas that have been redesignated to attainment are called maintenance areas.

California is divided geographically into 15 air basins for managing the air resources of the State on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. If an air basin is not in either Federal or State attainment for a particular pollutant, the basin is classified as a nonattainment area for that pollutant. Under the Federal and State CAA, once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the Federal CAA. Areas that have been redesignated to attainment are called maintenance areas.

The Project site is within the San Francisco Bay Area (Bay Area) Air Basin, which currently exceeds the NAAQS for 8-hour ozone (O₃) and 24-hour PM_{2.5}.²² Marin County

²² United States Environmental Protection Agency. 2023. *Nonattainment Areas for Criteria Pollutants (Green Book)*. Available: <https://www.epa.gov/green-book>. Accessed: October 23, 2023.

is currently classified as a nonattainment area under the CAAQS for O₃, PM₁₀, and PM_{2.5} and classified as attainment for the remaining criteria pollutants.

Regional

Air Quality Management Plan

The BAAQMD is responsible for assuring that the Federal and State ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

The BAAQMD adopted the 2017 Clean Air Plan (2017 CAP) as an update to the 2010 Clean Air Plan in April 2017. The 2017 Plan provides a regional strategy to protect public health and the climate. Consistent with the GHG reduction targets adopted by the State, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.²³ To fulfill State ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—ROG and NO_x—and reduce transport of ozone and its precursors to neighboring air basins. The 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter TACs.²⁴

BAAQMD Rules

The BAAQMD implements rules and regulations for emissions that may be generated by various uses and activities. The rules and regulations detail pollution-reduction measures that must be implemented during construction and operation of projects. Rules and regulations relevant to the Project include the following:

- Regulation 2 Permits, Rule 2 (New Source Review): This rule applies to all new or modified sources requiring a permit. This rule requires an analysis of new or modified sources to ensure that emissions do not exceed specific thresholds. If the specific thresholds are exceeded, then this rule requires that the “Best Available Control Technology” is installed to limit the emissions to the greatest extent possible.

²³ Bay Area Air Quality Management District. 2017. *Final 2017 Clean Air Plan*. Available: https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed July 14, 2023

²⁴ Bay Area Air Quality Management District. 2017. *Final 2017 Clean Air Plan*. Available: https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed July 14, 2023

- Regulation 8, Rule 3 (Architectural Coatings): This rule limits the quantity of volatile organic compounds that can be supplied, sold, applied, and manufactured within the BAAQMD region.
- Regulation 9 Inorganic Gaseous Pollutants, Rule 8 (Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines): This rule limits the emissions of NO_x and CO from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower. In addition, Section 9-8-330 states that an emergency standby engine cannot be operated for more than 50 hours in a calendar year for testing and maintenance purposes.

Regional Significance Thresholds

The BAAQMD has adopted guidelines for quantifying and determining the significance of air quality emissions in its 2022 CEQA Air Quality Guidelines.

The BAAQMD's 2022 CEQA Air Quality Guidelines are used in this analysis to evaluate air quality. **Table 3-2** shows the significance thresholds for construction and operational-related criteria air pollutant and precursor emissions being used for the purposes of this analysis. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. For the purposes of this analysis, the Project would result in a significant impact if construction or operational emissions would exceed thresholds as shown in **Table 3-2**.

Table 3-2 BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10

ROG = reactive organic gases, NO_x = nitrogen oxides, PM₁₀ = particulate matter 10 microns in diameter or less, PM_{2.5} = particulate matter

2.5 microns or less in diameter; lbs/day = pounds per day

Source: BAAQMD 2023

Carbon Monoxide

BAAQMD provides a preliminary screening methodology to conservatively determine whether a proposed project would exceed carbon monoxide thresholds. If the following

criteria are met, a project would result in a less than significant impact related to local carbon monoxide concentrations:

The Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.

The Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

The Project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Odor Sources

The BAAQMD provides minimum distances for the siting of new odor sources as shown in **Table 3-3**. A significant impact would occur if the Project would result in other emissions (such as odors) affecting substantial numbers of people or would site a new odor source within the specified distances of existing receptors.

Table 3-3 BAAQMD Odor Source Thresholds

Odor Source	Minimum Distance for Less than Significant Odor Impacts (in miles)
Wastewater treatment plant	2
Wastewater pumping facilities	1
Sanitary Landfill	2
Transfer Station	1
Composting Facility	1
Petroleum Refinery	2
Asphalt Batch Plant	2
Chemical Manufacturing	2
Fiberglass Manufacturing	1
Painting/Coating Operations	1
Rendering Plant	2

Odor Source	Minimum Distance for Less than Significant Odor Impacts (in miles)
Coffee Roaster	1
Food Processing Facility	1
Confined Animal facility/feed lot/diary	1
Green Waste and Recycling Operations	1
Metal Smelting Plants	2

Source: Rincon Consultants, 2023.

Local

Marin Countywide Plan ²⁵

The Air Quality Goals and Policies section of the Countywide Plan addresses the County's goals, policies, and implementing actions regarding air quality. The following policies in the Countywide Plan related to air quality are applicable to the Project:

Goal AIR-1 Improved Regional Air Quality. Promote planning and programs that result in the reduction of airborne pollutants measured within the county and the Bay Area.

Goal AIR-3 Reduction of Vehicle-Generated Pollutants. Reduce vehicle trips and emissions, and improve vehicle efficiency, as a means of limiting the volume of pollutants generated by traffic.

Marin County Unincorporated Climate Action Plan

The Marin County Unincorporated Area Climate Action Plan 2030 (Marin CAP) outlines the County's path towards reducing local greenhouse gas emissions and other air pollutants through the year 2030. The Marin CAP was originally adopted in December 2020 and most recently updated in January 2024 and includes goals and strategies to reduce GHG emissions and improve air quality. Other goals and policies including within the Marin CAP are included within their respective sections. The following goals and strategies applicable to the Project and related potential air quality impacts include:

Low Carbon Transportation Actions

²⁵ Marin County. 2014. *Marin Countywide Plan, 2014 Update*. Available: <https://www.marincounty.org/userdata/cda/planning/cwp2023.pdf>. Accessed: October 12, 2023.

- **LCT-C3: Walking.** Encourage walking as an alternative to vehicle use.
- **LCT-M2: Low Carbon Fuels.** Continue to use low-carbon fuel such as renewable diesel as a transition fuel in the County's fleet and encourage the County's service providers and joint powers agencies to do the same until vehicles are replaced with zero emission vehicles.

Environmental Setting

The BAAQMD operates a network of air quality monitoring stations throughout the SFBAAB. The purpose of the monitoring stations is to measure ambient concentrations of pollutants and to determine whether ambient air quality meets the NAAQS and CAAQS. The SFBAAB monitoring station closest to the Project site is the San Rafael Street Station, ARB #21451, which is located approximately 5.5 miles north of the Project site, was used for ozone, carbon monoxide, nitrogen dioxide, Hi-Vol PM10, and BAM PM2.5 measurements.²⁶

Regional Climate and Air Pollution in the SFBAAB

The Project site is located in the Northern Zone of the SFBAAB and the proximity to the Pacific Ocean and San Francisco Bay influence the climate in the City and surrounding region. The Santa Cruz Mountains and Diablo Mountain Range on either side of the South Bay restrict air dispersion, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward the south bay. The maximum daily temperature near the Project site (measured in the San Francisco International Airport Station, approximately 21 miles south of the Project site) is approximately 75 degrees Fahrenheit (°F), while the minimum average daily temperature for the year is approximately 60°F.²⁷ The average total precipitation in the Project site is approximately 0 inches annually. Winds play a large role in controlling climate in the area, and annual average winds is approximately 11.6 miles per hour in this region.

Air pollutant emissions in the SFBAAB are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories: point and area sources. Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat. Area sources are distributed widely and include those such as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products. Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and are classified as either on-road or off-road. On-road sources may be operated legally on roadways and

²⁶ California Air Resource Board. 2023. Air Monitoring Sites. <https://ww2.arb.ca.gov/applications/air-monitoring-sites-interactive-map>. Accessed: October 12, 2023.

²⁷ Weather Underground. Mill Valley, CA Weather History. <https://www.wunderground.com/history/monthly/us/ca/mill-valley/KCAMILLV68/date/2023-8-31>. Accessed: October 12, 2023

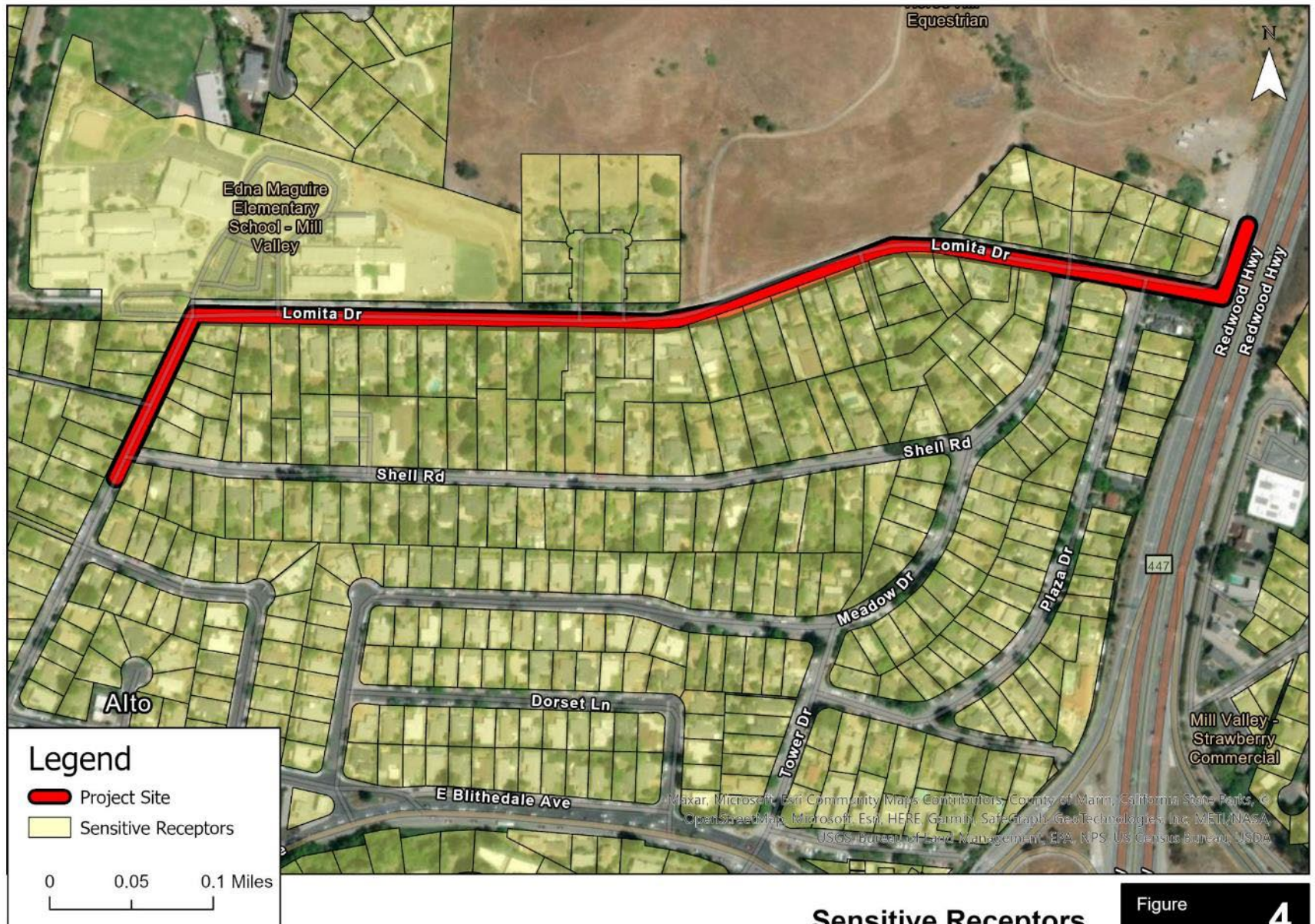
highways. Off-road sources include aircraft, ships, trains, and self-propelled construction equipment. Air pollutants can also be generated by the natural environment such as when high winds suspend fine dust particles.

Sensitive Receptors

CARB and the Office of Environmental Health Hazard Assessment (OEHHA) have identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, infants (including in utero in the third trimester of pregnancy), and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.^{28,29} The sensitive receptors nearest to the Project site are residential receptors located immediately north, south, and west of the Project site as shown in **Figure 4**. The number of sensitive receptors will remain unchanged with construction and completion of the Project.

²⁸ California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. <https://ww3.arb.ca.gov/ch/handbook.pdf>. Accessed: July 7, 2023.

²⁹ Office of Environmental Health Hazard Assessment. 2015. *Air Toxics Hot Spots Program*. <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>. Accessed July 7, 2023.



Sensitive Receptors

Figure

4

Impact Discussion

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

- **Less than Significant Impact.** The Project site is within the Bay Area Air Basin, which is currently classified as non-attainment for national and state ground-level ozone standards, national and state ground-level fine particulate matter (PM_{2.5}) standards, and state respirable particulate matter (PM₁₀) standards. Non-attainment classification for an area is determined when air quality is worse than the National Ambient Air Quality Standards as defined in the Clean Air Act Amendments of 1970 (P.L. 91-604, Sec. 109). To meet these standards, the Bay Area Air Quality Management District (BAAQMD), which governs air quality in the Bay Area Air Basin, developed the Bay Area 2010 Clean Air Plan (CAP). One of the goals of the CAP is to limit projected increases in vehicle miles travelled (VMT), which is directly correlated to pollutant emissions, as much as possible (BAAQMD, 2010).

The Project would not add additional travel lanes or otherwise encourage increased vehicle usage along the drive. Therefore, the Project would not conflict with CAP air quality thresholds by inducing population growth or significantly increasing VMT in the area. This impact would be less than significant.

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.

- **Less than Significant Impact.** Criteria pollutants for non-attainment, such as ground-level ozone, PM_{2.5} and PM₁₀ are regulated by state and federal agencies because of their known deleterious effects to respiratory health. As discussed in Section 3, Item (a) above, the Project would not increase roadway capacity and therefore would not result in a significant increase in VMT, thereby limiting the possibility for a net increase in criteria pollutants.

Project construction would take place over the course of two consecutive years in six-month periods. Construction vehicles would generate air pollutant emissions. However, given the small scale of the Project, it is unlikely that these activities would result in a regionally significant increase in criteria pollutants. Additionally, dust and construction vehicle emissions that could result in potentially significant impacts to air quality are regulated by Marin County Code 22.20.040 C. Dust Control. The Project would not be required to comply with this code section since it is a County project. However, the Project has implemented the following dust control measures as BMPs:

1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

2. All visible mud or dirt track-out onto adjacent public roads shall be removed.
3. All vehicle speeds on unpaved roads shall be limited to a maximum of 15 miles per hour.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
5. 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.
6. 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 implementation of these BMPs, air quality impacts resulting from Project construction would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

- **Less than Significant Impact.** Sensitive receptors include children, elderly, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors live or congregate are considered sensitive receptor locations (California Health and Safety Code § 42705.5(a)(5)). The sensitive receptors closest to the Project site are immediately adjacent to the north, south, and east. Given the Project's short construction duration, small scale, and distance to nearby sensitive receptors, these receptors would not be exposed to substantial pollution concentrations. The Project would not create a new long-term pollutant source that might put sensitive receptors at an increased risk of any air quality-related illnesses. This impact would be less than significant.

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

- **Less than Significant Impact.** Diesel exhaust generated during Project construction may be occasionally odorous. However, such odors would be temporary, localized, and unlikely to affect a substantial number of people in the Project vicinity. Upon completion, the reconstructed drive would not produce odors or other emissions likely to affect a substantial number of people. This impact would be less than significant.

4 Biological Resources

Would the project:	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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

Regulatory Setting

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under State and Federal Endangered Species Acts are considered special-status species. Federal and State endangered species legislation has provided the United States Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from CDFW if activities associated with a project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the Federal Endangered Species Act (FESA) to include harm of a listed species.

In addition to species listed under State and Federal Endangered Species Acts, Sections 15380(b) and (c) of the State CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds. Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800.

The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable Federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

Marin Countywide Plan

The CWP identifies multiple goals, policies and implementation policies that aim to preserve and enhance the biological environment of the County. The following goals and policies have been identified to be relevant to the Project.

- **Goal BIO-1: Enhance Native Habitat and Biodiversity.** Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County.
- **Goal BIO-2: Protection of Sensitive Biological Resources.** Require identification of sensitive biological resources and commitment to adequate protection and mitigation, and monitor development trends and resource preservation efforts.
 - Policy BIO-2.1: Include Resource Preservation in Environmental Review. Require environmental review pursuant to CEQA of development applications to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. Require adequate mitigation measures for ensuring the protection of any sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and function.
 - Policy BIO-2.5: Restrict Disturbance in Sensitive Habitat During Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and baylands to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat

during the nesting season from March 1 through August 1 to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.

Environmental Setting

The following discussion is based, in part, on the Natural Environment Study (NES) prepared for the Project by Kleinfelder in November 2024. A copy of the NES has been included in this Initial Study as **Appendix A**

Land Cover

The Project site is currently an existing paved roadway and is surrounded by predominantly urban/landscaped areas located in a predominantly residential area. The Project site is bordered by Edna Maguire Elementary School to the northwest; primarily residential development to the north, west, and south; a park and open space to the north; and US-101 to the east. Land cover types within the Project site include barren/road, Urban/Landscaped, and drainage areas. Construction activities will take place within the barren/road and urban/landscaped land cover types.

There is a drainage area that daylights adjacent to the Project site near the intersection of Lomita Drive and Dollar Fire Road, as well as an underground culvert that may be present near the intersection of Lomita Drive and Shell Road. Construction activities including excavation and trenching would not extend to the location of the underground culvert and would not occur within the identified drainage area.

Special Status Species

Based on literature and database searches, botanical surveys, and familiarity with the region, a total of 60 plant species and four special-status habitats were initially evaluated for the potential to exist within the Project site (see **Appendix A**). After considering vegetation information, reviewing the habitat preferences, geographic distribution, elevation range, soil requirements, and known California Natural Diversity Data Base (CNDDB) and range locations of all species on the preliminary list, no special-status species or habitats were determined to have potential to occur in the BSA because of lack of suitable habitat. The surveys identified 19 wildlife species considered to have low potential to occur within the Project site. All the special status animal species as well as their designated status, potential to occur within the Project site, whether there is habitat present is included in the **Table 4-1** below.

The reconnaissance survey conducted for the Project identified suitable bird nesting habitat observed within and adjacent to the Project site. In addition to common bird species, several special-status birds have a low potential to nest and/or forage within the Project site, including those listed in **Table 4-1** below.

A bat roosting habitat assessment was conducted because the possibility of suitable roosting habitat within the Project site is low. Reconnaissance-level surveys determined that the Project site does not provide suitable foraging habitat. An emergence survey was not conducted nor was an acoustical survey conducted on the Project site. The bat roosting habitat assessment determined that there are nine special-status bat species that have potential to occur within the Project site based on range, habitat, and recorded occurrences in the region. CNDDDB occurrences are reported in the individual species descriptions below. Bats in general are likely to be under-reported to the CNDDDB relative to their actual abundance in the environment because they are nocturnal, difficult to detect, and difficult to positively identify and census even when detected. The nine special-status bat species have potential to occur within the Project site are included in **Table 4-1** below.

Table 4-1 Special-status Animal Species with the Potential to Occur in the Project Site

Common Name <i>Scientific Name</i>	Status ¹ (Federal/State)	Potential to Occur in the Project site	Habitat Present/ Absent ^{2,3,4}
Monarch – California overwintering population <i>Danaus plexippus</i> <i>plexippus pop. 1</i>	FC / SA	Low	A
oak titmouse <i>Baeolophus inornatus</i>	BCC / --	Low	HP
Wrentit <i>Chamaea fasciata</i>	BCC / --	Low	HP
Nuttall's woodpecker <i>Dryobates nuttallii</i>	BCC / --	Low	HP
Bullock's oriole <i>Icterus bullockii</i>	BCC / --	Low	HP
California gull <i>Larus californicus</i>	BCC / SA; WL	Low	HP
western gull <i>Larus occidentalis</i>	BCC / --	Low	HP
Western Screech- Owl <i>Megascops</i> <i>kennicottii</i>	BCC / --	Low	HP
San Pablo song sparrow <i>Melospiza melodia</i> <i>samuelis</i>	BCC / SSC	Low	A
Allen's hummingbird <i>Selasphorus sasin</i>	BCC / --	Low	HP
pallid bat <i>Antrozous pallidus</i>	-- / SSC	Low	HP
Townsend's big- eared bat <i>Corynorhinus</i> <i>townsendii</i>	-- / SSC	Low	HP
silver-haired bat <i>Lasionycteris</i> <i>noctivagans</i>	-- / SA	Low	HP
hoary bat <i>Lasiurus cinereus</i>	-- / SA	Low	HP
western red bat <i>Lasiurus frantzii</i>	-- / SSC	Low	HP
long-eared myotis <i>Myotis evotis</i>	-- / SA	Low	HP

Common Name <i>Scientific Name</i>	Status ¹ (Federal/State)	Potential to Occur in the Project site	Habitat Present/ Absent ^{2,3,4}
fringed myotis <i>Myotis thysanodes</i>	-- / SA	Low	HP
long-legged myotis <i>Myotis volans</i>	-- / SA	Low	HP
Yuma myotis <i>Myotis yumanensis</i>	-- / SA	Low	HP

¹**Status Codes:**

Federal Status Designations:

FE: Listed as Endangered under the Federal Endangered Species Act

FT: Listed as Threatened under the Federal Endangered Species Act

FC: Candidate Proposed for Listing under the Federal Endangered Species Act

BCC: Bird of Conservation Concern

--: No federal status

State of California Status Designations:

SE: Listed as Endangered under the California Endangered Species Act

ST: Listed as Threatened under the California Endangered Species Act

SC: Candidate for listing under the California Endangered Species Act

SSC: California Species of Special Concern

SA: Included on the California Department of Fish and Wildlife's Special Animals List

WL: Included on California Department of Fish and Wildlife's Watch List

²Absent [**A**] – No habitat present.

Habitat Present [**HP**] – Habitat is or may be present. The species may be present.

Present [**P**] – Species is present.

³Critical Habitat [**CH**] – BSA is located within or adjacent to a designated critical habitat unit but does not necessarily mean that appropriate habitat is present.

⁴Essential Fish Habitat [**EFH**] – BSA is located within Essential Fish Habitat.

Trees

Landscaped trees occur within the landscaped portions of the Project site. The total estimate is 87 trees within the Project site and within 15 feet of Lomita Drive. It is anticipated that most of these trees would not be impacted during Project activities within the roadway. During a pedestrian survey, a large number of mature trees and tree stands were identified within the Project site that have driplines that overlap where construction activities will take place. Although it is anticipated that the trunks of these trees will not be impacted, they provide potential habitat for bats and nesting birds and trimming may impact special-status species. Most of these trees are on residential property and are a mix of coast redwood (*Sequoia sempervirens*), Monterey pine (*Pinus radiata*), giant sequoia (*Sequoiadendron giganteum*), mixed oak species (*Quercus* spp.), olive trees (*Olea europaea*), sycamore (*Platanus racemosa*), maples (*Acer* spp.), and various exotics.

Impact Discussion

- 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?**
- **Less than Significant Impact.** It was determined that there are 19 special status animal species that have potential to occur within the Project site and no special status plant species have the potential to occur within the Project site.

The Project and associated construction activities could result in temporary loss or disturbance of habitats that are used by these nesting migratory bird species. In addition, project construction may result in the common migratory bird species may be temporarily displaced by habitat alteration or disturbed by noise from construction equipment. However, implementation of the proposed AMMs discussed below will avoid potentially significant impacts, such as injury or mortality, of migratory birds.

AMM BIO-1 Work Window for Nesting Birds. To the extent practicable, clearing and grubbing activities would be conducted during the non-nesting season, from October 1 to January 31.

AMM BIO-2 Preconstruction Surveys for Nesting Birds.

Preconstruction surveys for nesting birds would be conducted by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 1 to September 30).

AMM BIO-3 Non-disturbance Buffer for Nesting Birds. If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, a non-disturbance buffer would be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the species' sensitivity to disturbance, and the intensity/type of potential disturbance.

Similarly, the project has the potential to impact roosting bat species if any are observed roosting within the project site. Roosting bat species may experience temporary loss of roosting habitat from any existing tree removal or noise disturbance due to construction activities associated with the Project only if any are found roosting within the Project site. However, implementation of the AMMs outlined below will ensure that Project activities avoid potential significant impacts to roosting bats within the Project site:

AMM BIO-4 Worker Environmental Awareness Training. All construction personnel would attend a mandatory environmental education program delivered by a qualified biologist prior to working on

the Project. At a minimum, the training would include a description of listed species, migratory birds, and their habitats. The training would also discuss the potential occurrence of these species within the BSA; an explanation of the status of these species and their protection under the Endangered Species Act and other laws; the measures to be implemented to conserve listed species and their habitats as they relate to the work site; workers' personal liability; and boundaries within which construction may occur. Documentation of the training, including sign-in sheets, would be kept on file and would be available on request.

AMM BIO-5 Preconstruction Surveys. Prior to any ground disturbance, preconstruction surveys would be conducted by a qualified biologist. These surveys would consist of walking the Project site and, if possible, accessible adjacent areas within at least 50 feet of the Project site. The biologist(s) would investigate all potential cover and nesting/roosting sites, including vegetation, mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, and debris. Native vertebrates found in the cover sites within the Project site would be documented.

AMM BIO-6 Bat Preconstruction Surveys and Bat Protection. Due to the potential for roosting bats in trees and culverts adjacent to the Project site, a bat pre-construction survey will be conducted by a qualified biologist at dusk to determine the presence of bats within the Project site.

Prior to construction activities, the qualified biologist will conduct a habitat assessment for potentially suitable bat roosting habitat, including existing trees within 15 feet of the Project site prior to construction activities. If the habitat assessment reveals existing trees and culverts are suitable roosting habitat for bats, then the appropriate measures will be implemented prior to the construction during the period between March 1 and April 15 or August 31 to October 15.

Potential avoidance may include visual monitoring, and staging project work to avoid bats. If suitable habitat is present within trees, and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys shall be conducted two to three days prior to any tree removal or trimming. If presence/absence surveys are negative, then tree removal may be conducted by following a two-phased tree removal system. If surveys indicate bat presence, then the occupied trees shall only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two-phased tree removal system.

The two phased system shall be conducted over two consecutive days. On the first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities,

crevices, or deep bark fissures shall be avoided, and only branches without those features removed. On the second day, the entire tree shall be removed.

Therefore, with the implementation of AMM BIO-1 through AMM BIO-5 described above, the Project would avoid significant impacts to special status species including nesting bird and roosting bat species that were determined to have potential to occur within the Project site. Therefore, impacts would be less than significant, and no mitigation would be required.

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?

- **No Impact.** As discussed in the **Environmental Setting** section above, the Project site consists primarily of barren/road, urban/landscaped, and drainage area land cover types. Riparian habitat or other sensitive natural communities were not identified within the Project site. While an existing drainage area was identified adjacent to the Project site, this drainage area will not be impacted by the project or associated construction activities. Therefore, the Project would not impact riparian habitat or other sensitive natural communities as a result of Project construction activities or Project implementation.

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?

- **Less than Significant Impact.** As discussed in the **Environmental Setting** section above, there is a drainage area that daylights adjacent to the Project site near the intersection of Lomita Drive and Dollar Fire Road. However, construction activities associated with the Project would occur on or adjacent to existing pavement or previously disturbed areas and would not take place within the drainage area.

In addition, the Project would include the following AMMs to avoid potential significant impacts to wetlands:

AMM BIO-7 Water Features. No work will occur in any water features such as wetlands or jurisdictional waters.

AMM BIO-8 Standard Best Management Practices (BMPs). The potential for adverse impacts to water quality would be avoided by implementing temporary and permanent BMPs. Erosion control BMPs would be used to minimize any wind- or water-related erosion. The BMP measures include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges.

Protective measures would be included in the contract, including, at a minimum:

- No discharge of pollutants from vehicle and equipment cleaning are allowed into the storm drain or water courses.
- Vehicle and equipment fueling, and maintenance operations must be at least 50 feet away from water courses.
- Concrete wastes are collected in washouts and water from curing operations is collected and disposed of and not allowed into water courses.
- Dust control will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require.
- Coir rolls will be installed along or at the base of slopes during construction to capture sediment and temporary organic hydro-mulching will be applied to all unfinished disturbed and graded areas.
- Work areas where temporary disturbance has removed the pre-existing vegetation will be re-seeded with a native seed mix.
- Graded areas will be protected from erosion using a combination of silt fences, fiber rolls along toe of slopes or along edges of designated staging areas, and erosion-control netting (such as jute or coir) as appropriate.
- A Revegetation Plan will be prepared for restoration of temporary work areas. Pavement and base will be removed, topography blended with the surrounding area, and topsoil will be salvaged from the new alignment area to be placed over the restored area, which will then be revegetated with native grassland species.

AMM BIO-9 Concrete Waste and Stockpiles. All grindings and asphaltic-concrete waste would be stored within previously disturbed areas absent of habitat and at a minimum of 150 feet from any aquatic habitat, culvert, or drainage feature.

Therefore, with the implementation of AMM BIO-6 through AMM BIO-8 described above, the Project would result in a less than significant impact to wetland habitats within the Project site.

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?

- **No Impact.** As stated in the **Environmental Setting** section above, The Project site barren/road, urban/landscaped, and drainage area land cover types. While there is open space to the north of the Project site, no significant wildlife movement corridors or habitat linkages are present in the study area. Due to the existing dense urban setting of the area and the small area of landscape cover, the Project is not likely to interfere substantially with the movement of wildlife species. For these reasons, the Project would not substantially interfere 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, and no impact would occur.

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

- **Less than Significant Impact.** The Marin Countywide Plan and County Code include policies and ordinances to protect biological resources including Policy BIO-1.3, Policy BIO-2.1, and Policy BIO-2.5. The Project would be exempt from compliance with relevant local ordinances regarding biological resources from the Marin County Code including Section 22. 20.404, Outdoor Construction Activities which establishes guidelines and measures to protect roosting bats, nesting birds. However, with the incorporation of AMM BIO 1 through AMM BIO 10, the Project would avoid potentially significant impacts to biological resources located in the Project site.

As described under **Threshold a)** above, the Project would comply with Policy BIO-1.3, Policy BIO-2.1, and Policy BIO-2.5 included in the Countywide Plan to reduce impacts to roosting bats and nesting birds through the implementation of AMM BIO-1 through AMM BIO-5 as described above. Species surveys conducted for the Project determined that the Northern Spotted Owl does not have potential to occur within the Project site and therefore AMMs to avoid impacts to these species would not be required.

Furthermore, if construction of the Project required the removal of a tree within the County ROW, the Project would be exempt from the County's Native Tree Protection and Preservation ordinance outlined in Section 22.27 of the Marin County Code. In the event that trees outside the County ROW require removal, the County would coordinate with local agencies in a good faith effort to comply with relevant tree ordinances.

In addition, the Project would implement the following AMM in the event that tree removal is required:

AMM BIO-10 Revegetation Following Construction. All areas that are temporarily affected during construction would be revegetated with an assemblage of native grass, shrub, and trees as appropriate. Invasive, exotic plants would be controlled within the project site to the maximum extent practicable, pursuant to Executive Order 13112.

Therefore, with adherence to the applicable County guidelines and the implementation of the AMMs described above, the Project would not conflict with any local policies or ordinances and would result in a less than significant 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 Impact.** Marin County currently does not have a Natural Community Conservation Plan or Habitat Conservation Plan, and the Project site does not fall under the jurisdiction of any other approved local, regional, or state habitat conservation plans.³⁰ Therefore, no impact would occur.

³⁰ California Department of Fish and Wildlife (CDFW). 2023. California Natural Community Conservation Plans. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626>. Accessed December 2024.

5 Cultural Resources

Would the project:	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?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Regulatory Setting

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 CFR Part 800) constitute the primary Federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and

- It possesses at least one of the following characteristics:
 - Association with events that have made a significant contribution to the broad patterns of history; Association with the lives of persons significant in the past;
 - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
 - Has yielded, or may yield, information important to prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for State and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.^{31, 32}

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use variables or aspects to define integrity that are used to evaluate a resource’s eligibility for listing including, but not limited to, location, design, setting, and workmanship.

California Health and Safety Code Sections 7050.5–7052

If human remains are discovered outside of a cemetery, excavation in the vicinity of the discovery must immediately stop, and the County Coroner must be immediately notified.

³¹ Office of Historic Recreation Department of Parks and Recreation (OHP). 2001. California Office of Historic Preservation Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources. Available: <https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf>. Accessed: July 5, 2023.

³² Office of Historic Recreation Department of Parks and Recreation (OHP). 2011. California Office of Historic Preservation Technical Assistance Series #6: California Register and National Register, A Comparison. Available: http://www.parks.ca.gov/pages/1069/files/03ca%20regq&a_090606.pdf. Accessed: July 5, 2023.

The Coroner then has two working days to make a determination as to whether the remains constitute a crime scene or an unmarked interment. If it is determined that the remains are Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours by telephone.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on Non-Federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the NAHC as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the County Coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the County Coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

California Native American Historical, Cultural, and Sacred Sites Act

Section 5097.9 – 5097.991 of the Public Resource Code (the California Native American Historical, Cultural, and Sacred Sites Act) applies to both State and private lands, providing protection to Native American historical and cultural resources, and sacred sites, and identifies the powers and duties of the NAHC. The act requires that upon discovery of human remains, construction or excavation activity must cease and the County Coroner be notified.

California Health and Safety Code Sections 7050.5–7052

If human remains are discovered outside of a cemetery, excavation in the vicinity of the discovery must immediately stop, and the County Coroner must be immediately notified. The Coroner then has two working days to make a determination as to whether the remains constitute a crime scene or an unmarked interment. If it is determined that the remains are Native American, the NAHC must be contacted within 24 hours by telephone.

Local

Public Resources Code Section 5097.5

It is a misdemeanor violation to knowingly or willfully excavate, remove, damage, or deface any historic or prehistoric cultural resource that is situated upon public land. Public lands include all property “owned by, or under the jurisdiction of the state, or any city, county, district, authority, or public corporation, or any agency thereof.”

Public Resources Code Section 5097.9

It is unlawful for a public agency to interfere with the free expression or exercise of Native American religion, as provided in the US and California Constitutions. In addition, no public agency shall cause damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property.

Public Resources Code Section 5097.99

It is a felony, punishable by imprisonment in the State prison system, to knowingly or willfully obtain or possess any Native American artifacts or human remains taken from a Native American grave or cairn except as otherwise provided by law. It is also a felony to remove Native American artifacts or human remains from a Native American grave or cairn with malice or wantonness or with the intent to sell or dissect.

Environmental Setting

This section is based, in part, on the Preliminary Cultural Resources Study and the Monitoring and Treatment Plan prepared by InContext in September 2022 and March 2024, respectively.

A records search for this Project was conducted at the Northwest Information Center (NWIC) on August 22, 2022. The records search identified two pre-contact archaeological sites located within the Project limits and an additional nine located in close proximity. The records search also indicated 24 cultural resources reports have been documented within the ROW and its vicinity.

Marin County concluded that the Project vicinity is sensitive for the presence of pre-contact archaeological resources that may also qualify as tribal cultural resources.

In accordance with the Marin Countywide Plan, a preliminary cultural resources study was conducted by InContext to determine if any such resources have been documented within the Project limits and the likelihood that such resources would be affected by the Project. The study concluded that the Project is highly likely to significantly impact archaeological resources because:

- the Project limits are sensitive for the presence of significant pre-contact and protohistoric archaeological resources that would qualify for listing in the NRHP or the CRHR; and
- the variable depths of ground disturbance throughout the Project limits increase the likelihood that significant archaeological resources will be inadvertently discovered; and
- impacts to such resources could result in unlawful damage to Native American resources.

In addition to the official records and maps for archaeological sites and studies from the records search, the NWIC reviewed resource listings held by the Office of Historic Preservation (OHP), but found no eligible historic resources listed.

Impact Discussion

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

- **Less than Significant Impact.** According to Caltrans, the existing road is ineligible for listing in the NRHP. A records search conducted at the NWIC on August 22, 2022 did not identify any historical resources within or adjacent to the Project site. Additionally, as previously mentioned, the NWIC reviewed resource listings held by the OHP, but found no eligible historic resources listed.

Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource. This impact would be less than significant.

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

- **Less than Significant with Mitigation.** As previously mentioned, a records search for this Project was conducted at the NWIC on August 22, 2022. Eleven pre-contact archaeological sites were found in the vicinity of the Project **Figure 5**.

The Project is highly likely to significantly impact archaeological resources because: the Project limits are sensitive for the presence of significant pre-contact and protohistoric archaeological resources that would qualify for listing in the NRHP or the CRHR; and the depths of ground disturbance throughout the Project limits increase the likelihood that significant archaeological resources will be inadvertently discovered. Impacts to such resources could result in unlawful damage to Native American resources.

Although not required, the Project would incorporate the provisions of Marin County Code Section 22.20.020(E) Archaeological, Historical, and Paleontological Resources. In the event that archaeological, historic, or paleontological resources are discovered during any construction, construction activities shall cease, and the Agency shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. Even with the incorporation of the provisions in Marin County Code Section 22.20.020(E), the potential to encounter intact buried pre-contact deposits represents a potentially significant impact, which is reduced to a less-than-significant level with implementation of **Mitigation Measure CUL-1: Archaeological and Tribal Monitoring** and **Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources**.

Mitigation Measure CUL 1: Archaeological and Tribal Monitoring

Due to the potential for intact buried pre-contact deposits to be present within the Project site, a Secretary of the Interior-qualified archaeologist and Federated Indian of Graton Rancheria (FIGR) Tribal representative

shall be required to monitor all ground-disturbing work associated with the Project, with monitoring able to be reduced or discontinued based on a recommendation from the archaeologist in coordination with FIGR. Full-time archaeological and Tribal monitoring is anticipated within Areas 1 through 4 (**Figure 5**), where the most extensive areas of ground disturbance are proposed, to ensure that any cultural resources uncovered are observed, recorded, and avoided if feasible. Monitoring will not be required for ground-disturbing activities reoccurring in areas that have already been affected by Project-related ground disturbance which were previously monitored with negative findings. Monitoring will adhere to the Monitoring and Treatment Plan prepared by InContext for the Project in March 2024, which defines specific roles and responsibilities of the parties involved in the Project, communication protocols, pre-construction training, pre-construction logistics, and specific tasks that will be carried out during the monitoring.

Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources

If pre-contact or historic-era archaeological resources are encountered during Project implementation, all construction activities within 100 feet of the discovery shall halt, and a Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery and notify the County Department of Public Works project manager of their initial assessment. If the find is deemed pre-contact, a FIGR Tribal representative will be invited to evaluate the find. If the County determines, based on recommendations from a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American related), that the resource may qualify as a historical resource or unique archaeological resource (defined in State CEQA *Guidelines* Section 15064.5) or a tribal cultural resource (defined in PRC Section 21080.3), the resource shall be avoided, if feasible.

If avoidance is not feasible, the County shall work with a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts or adverse effects to the resource. This shall include documentation of the resource and may include data recovery, if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource.

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

- **Less than Significant with Mitigation.** As discussed above, the Project site contains several known pre-contact archaeological sites. Should human remains be discovered during construction, adherence to Mitigation Measures CUL-1 and CUL-2 and incorporation of the provisions in Marin County Code Section 22.20.020(E) and California Health and Safety Code Sections 7050.5 - 7052 would ensure that archaeological resources, including human remains, would not be adversely impacted should they be discovered during construction. This impact would be less than significant.



Cultural Resource Monitoring Sites

Figure

5

Source: InContext Solutions, 2022

6 Energy

Would the project:	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?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Regulatory Setting

Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act, enacted by Congress in 2007, is designed to improve vehicle fuel economy and help reduce the United States' dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil, and confronting climate change. Specifically, it does the following:

- Increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard, requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over current levels.
- Reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon (mpg) by 2020 – an increase in fuel economy standards of 40 percent.

The Energy Independence and Security Act of 2007 also set energy efficiency standards for lighting (specifically light bulbs) and appliances. Development would also be required to install photosensors and energy-efficient lighting fixtures consistent with the requirements of 42 USC Section 17001 et seq.

Construction Equipment Fuel Efficiency Standards

The U.S. EPA sets emission standards for construction equipment. The first Federal standards (Tier 1) were adopted in 1994 for all off-road engines over 50 horsepower (hp)

and were phased in by 2000. A new standard was adopted in 1998 that introduced Tier 1 for all equipment below 50 hp and established the Tier 2 and Tier 3 standards. The Tier 2 and Tier 3 standards were phased in by 2008 for all equipment. The current iteration of emissions standards for construction equipment are the Tier 4 efficiency requirements are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068 (originally adopted in 69 Federal Register 38958 [June 29, 2004], and most recently updated in 2014 [79 Federal Register 46356]). Emissions requirements for new off-road Tier 4 vehicles were to be completely phased in by the end of 2015.

State

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an Executive Order (EO), EO B-55-18 To Achieve Carbon Neutrality, setting a statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” The executive order requires the California Air Resources Board (CARB) to “ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.” EO B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Energy Plan

The California Energy Commission (CEC) is responsible for preparing the California Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The 2008 California Energy Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouragement of urban designs that reduce vehicle miles travelled and accommodate pedestrian and bicycle access.

Reducing California’s Petroleum Dependence (Assembly Bill 2076)

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), the CEC and CARB prepared and adopted a joint-agency report, Reducing California’s Petroleum Dependence, in 2003. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita vehicle miles travelled. One of the performance-based goals of AB 2076 is to reduce petroleum demand to 15 percent below 2003 demand. Furthermore, in response to the CEC’s 2003 and 2005 Integrated Energy Policy Reports, the Governor directed the CEC to take the lead in developing a long-term plan to increase alternative fuel use.

Integrated Energy Policy Report

Senate Bill (SB) 1389 (Chapter 568, Statutes of 2002) required the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC uses these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. The most recent assessment, the 2018 Integrated Energy Policy Report, contains two volumes. Volume one highlights the implementation of California's innovative policies and the role they have played in establishing a clean energy economy. Volume two, adopted February 20, 2019, provides more detail on several key energy policies, including decarbonizing buildings, increasing energy efficiency savings, and integrating more renewable energy into the electricity system.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued EO S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Renewable Portfolio Standard and Senate Bill 100

Established in 2002 under SB 1078 and accelerated by SB 107 (2006), SB X 1-2 (2011), and SB 100 (2018), California's Renewable Portfolio Standard (RPS) obligates investor-owned utilities, energy service providers, and community choice aggregators to procure 33 percent total retail sales of electricity from renewable energy sources by 2020, 60 percent by 2030, and 100 percent by 2045. SB 100 also states "that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045." The California Public Utilities Commission and the CEC are jointly responsible for implementing the program.

Energy Action Plan

In the October 2005, the CEC and California Public Utilities Commission updated their energy policy vision by adding some important dimensions to the policy areas included in the original Energy Action Plan, such as the emerging importance of climate change, transportation-related energy issues, and research and development activities. The CEC adopted an update to the Energy Action Plan II in February 2008 that supplements the

earlier energy action plans and examines the state's ongoing actions in the context of global climate change.

State Alternative Fuels Plan (Assembly Bill 1007)

AB 1007 (Chapter 371, Statutes of 2005) required the CEC to prepare a plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other Federal, State, and local agencies. The Alternative Fuels Plan presents strategies and actions California must take to increase the use of alternative nonpetroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-state production. The Alternative Fuels Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce greenhouse gas (GHG) emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Title 24, California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.³³ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³⁴

Title 24 contains numerous subparts, including Part 1 (Administrative Code), Part 2 (Building Code), Part 3 (Electrical Code), Part 4 (Mechanical Code), Part 5 (Plumbing Code), Part 6 (Energy Code), Part 8 (Historical Building Code), Part 9 (Fire Code), Part 10 (Existing Building Code), Part 11 (Green Building Standards Code), and Part 12 (Referenced Standards Code).

Part 11 (CALGreen)

On July 17, 2008, the California Building Standards Commission (CBSC) adopted the nation's first green building standards. The California Green Building Standards Code (24 CCR, Part 11, known as "CALGreen") was adopted as part of the California Building Standards Code (CBC), and is updated every three years. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The mandatory provisions of the CALGreen became effective January 1, 2011, and were updated in 2016. The 2016 Standards,

³³ California Building Standards Commission (CBSC). 2022. *California Building Standards Code*. Available: <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>. Accessed: July 10, 2023.

³⁴ California Energy Commission (CEC). 2019. *2019 Build Energy Efficiency Standards*. Available: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>. Accessed: July 10, 2023.

which became effective on January 1, 2017, establish green building criteria for residential and nonresidential projects. The CEC adopted updates to the 2016 Standards in 2019 and 2022, the latter of which came into effect on January 1, 2023.

Local

Marin County Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County and also includes goals and policies related to energy conservation that are relevant to the Project. The CWP Goal, EN-1 Decreased Energy Use, aims to reduce the total and per-capita nonrenewable energy waste and peak electricity demand through energy efficiency and conservation. Additionally, the implementation program EN-3c, Divert Construction Waste, is also applicable to the Project and requires building projects to recycle or reuse a minimum of 50 percent of unused or leftover building materials.

Marin County Unincorporated Area Climate Action Plan

The Marin County Unincorporated Area Climate Action Plan 2030 (Marin CAP) outlines the County's path towards reducing local greenhouse gas emissions associated with energy generation and use through the year 2030. The Marin CAP was originally adopted in December 2020 and most recently updated in January 2024 and includes goals and strategies to reduce GHG emissions and energy demand. The following goals and strategies are applicable to the Project:

Energy Efficient Actions

- **EE-C3: Cool Pavement and Roofs.** Use reflective, high albedo material for roadways, parking lots, and sidewalks and cool roofs to reduce the urban heat island effect and save energy.

Environmental Setting

In 2021, California used 277,764 gigawatt-hours (GWh) of electricity, of which 35 percent were from renewable resources.³⁵ California also consumed approximately 11,923 million U.S. therms (MMthm) of natural gas in 2022.³⁶ Electricity to the Project site would be provided by Silicon Valley Power and natural gas by Pacific Gas & Electric (PG&E). Two PG&E transmission lines cross the Project site in a northeast-southwest direction as shown in **Figure 6. Table 6-1** and **Table 6-2** show the electricity and natural gas consumption by sector and the total for PG&E. In 2022, PG&E provided

³⁵ California Energy Commission. 2023. *Total System Electric Generation*. Available: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation>. Accessed: July 11, 2023.

³⁶ California Energy Commission. 2023. *Gas Consumption by County*. Available: <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed: July 11, 2023.

approximately 1.6 percent of the total electricity used in California. Also in 2021, PG&E provided approximately 37.5 percent of the total natural gas usage in California.

Table 6-1 Electricity Consumption in PG&E Service Area in 2022

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Streetlight	Total Usage
7506.1	26928.1	4055.7	10091.76	1814.5	27210	281	77887

Notes: All usage expressed in GWh

Source: California Energy Commission. 2023.

Table 6-2 Natural Gas Consumption in PG&E Service Area in 2022

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Total Usage
52.5	834.9	50.4	1,429.8	223.5	1,877.0	4,467.1

Notes: All usage expressed in GWh

Source: California Energy Commission. 2023.

Petroleum

In 2021, the transportation sector used approximately 83 percent of the petroleum consumed in the State.³⁷ Californians presently consume over 19 billion gallons of motor vehicle fuels per year.³⁸ Though California's population and economy are expected to grow, gasoline demand is projected to decline from roughly 15.6 billion gallons in 2017 to between 12.1 billion and 12.6 billion gallons in 2030, a 19 percent to 22 percent reduction. This decline comes in response to both increasing vehicle electrification and higher fuel economy for new gasoline vehicles.³⁹

³⁷ United States Energy Information Administration. 2020. *Total Energy Consumption Estimates per Capita by End-Use Sector, Ranked by State*.

https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_sum/html/rank_use_capita.html&sid=US&sid=CA.

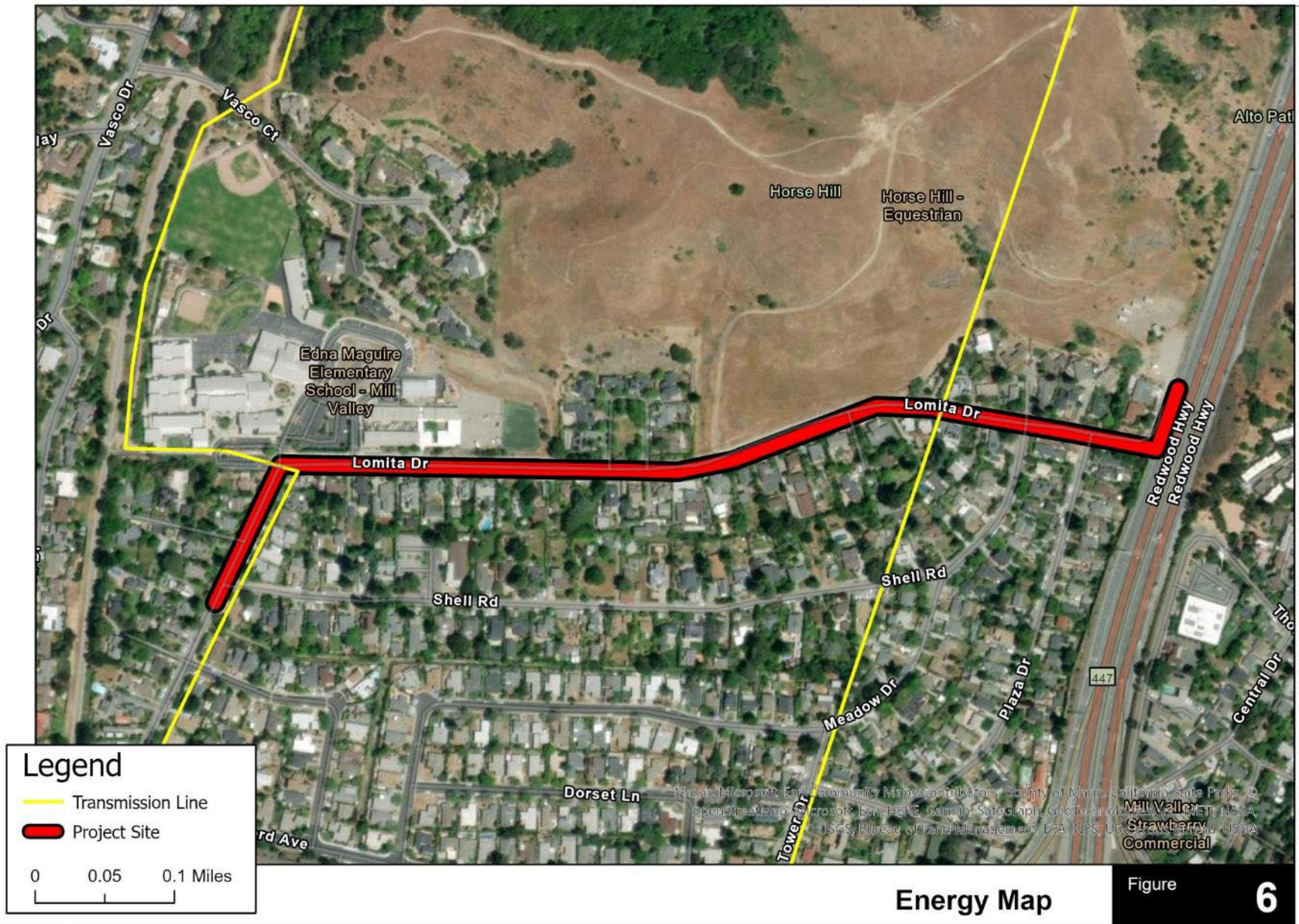
Accessed: July 11, 2023

³⁸ California Energy Commission. 2017. *Revised Transportation Energy Demand Forecast 2018-2030*. Available:

<https://efiling.energy.ca.gov/getdocument.aspx?tn=221893>. Accessed: July 11, 2023.

³⁹ California Energy Commission. 2017. *Revised Transportation Energy Demand Forecast 2018-2030*. Available:

<https://efiling.energy.ca.gov/getdocument.aspx?tn=221893>. Accessed: July 11, 2023



Source: Marin County

Impact Discussion

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

Construction Energy Demand

- **Less than Significant.** The majority of energy that would be generated in relation to the Project would occur from the construction activities associated with the Project. During Project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles, equipment on the Project site, construction workers' travel to and from the Project site, and vehicles used to deliver materials. In addition, the Project would require hauling material offsite during demolition; vendor trips during building construction; and worker trips for all phases of construction, such as demolition, site preparation, grading, paving, construction of the retaining wall, and replacement of the existing bridge.

The Project would implement best management practices consistent with MCDC Section 22.20.040 which includes measures related to idling equipment and ensuring proper maintenance of construction equipment. It is reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Therefore, Project construction would not involve inefficient, wasteful, and unnecessary energy use during construction and the impacts related to energy consumption during the construction phase would be less than significant and no mitigation is required.

Operational Energy Demand.

- **No Impact.** Operation of the Project would result in minimal energy demand and would also comply with all standards set in CBC Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. CALGreen (California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. The standards are updated every three years, and each iteration is more energy efficient than the previous standards. Therefore, the Project would not involve inefficient, wasteful, and unnecessary energy use during operation. There would be no operational phase impact related to energy consumption and no mitigation is required.
- b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**
- **No Impact.** The County's energy goals are outlined in the Marin Countywide Plan Built Environment Element, Section 3.6, Energy and Green Building. The Project would not conflict with or obstruct the Countywide Plan's energy goals

because it would neither increase energy use nor interfere with the adoption of renewable resources. No impact would occur.

7 Geology and Soils

Would the project:	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.	☐	☐	☐	☒
i. Strong seismic ground shaking?	☐	☐	☒	☐
ii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iii. Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☒ | ☐ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |

Regulatory Setting

State

Alquist-Priolo Earthquake Fault Zoning Act⁴⁰

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and State agencies for their use in planning and controlling new construction. Areas within the Alquist-Priolo Earthquake Fault Zone

⁴⁰ Alquist-Priolo Earthquake Fault Zoning Act. Stats. 1994. *Chapter 7.5. Earthquake Fault Zoning [2621 - 2630]*. Available: https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=7.5.&lawCode=PRC. Accessed: July 3, 2023.

require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The California Geological Survey has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Marin County

Association of Bay Area Governments Resilience Program

The Association of Bay Area Governments (ABAG) has Housing and Infrastructure policies to mitigate earthquake hazards by using the resources and tools the Resilience Program has curated.

In 2014, the Earthquake and Hazards program became the Resilience Program to recognize the growing threat from climate impacts and the broader need to incorporate issues of affordable housing, social equity and economic vibrancy in resilience planning.

- Develop a regional land use pattern which reduces the risk of natural hazards;
- Provide a platform for local governments to come together to jointly plan, share best practices and develop a shared understanding of regional needs to effectively mitigate and manage risk;
- Disseminate scientific information about natural hazards in an understandable and usable way that facilitates good policy and planning decisions;
- Provide specific tools for local governments to develop and implement hazard mitigation and climate adaptation recovery plans.

Environmental Setting

The Project site is bounded by Mount Tamalpais on the west, Tiburon Open Space Preserve on the east, Horse Hill on the north, and the Golden Gate National Recreational Area (GGNRA) on the south. The soil setting on the middle portion of the Project site consists of 50 percent Saurin, 40 percent Bonnydoon, 2 percent Tocaloma, and 2 percent Los Osos composition deriving of sediment from the Cretaceous- Jurassic periods (KJf). The western portion of the Project site consists of Sedimentary rock has the potential to contain paleontological resources such as fossils.

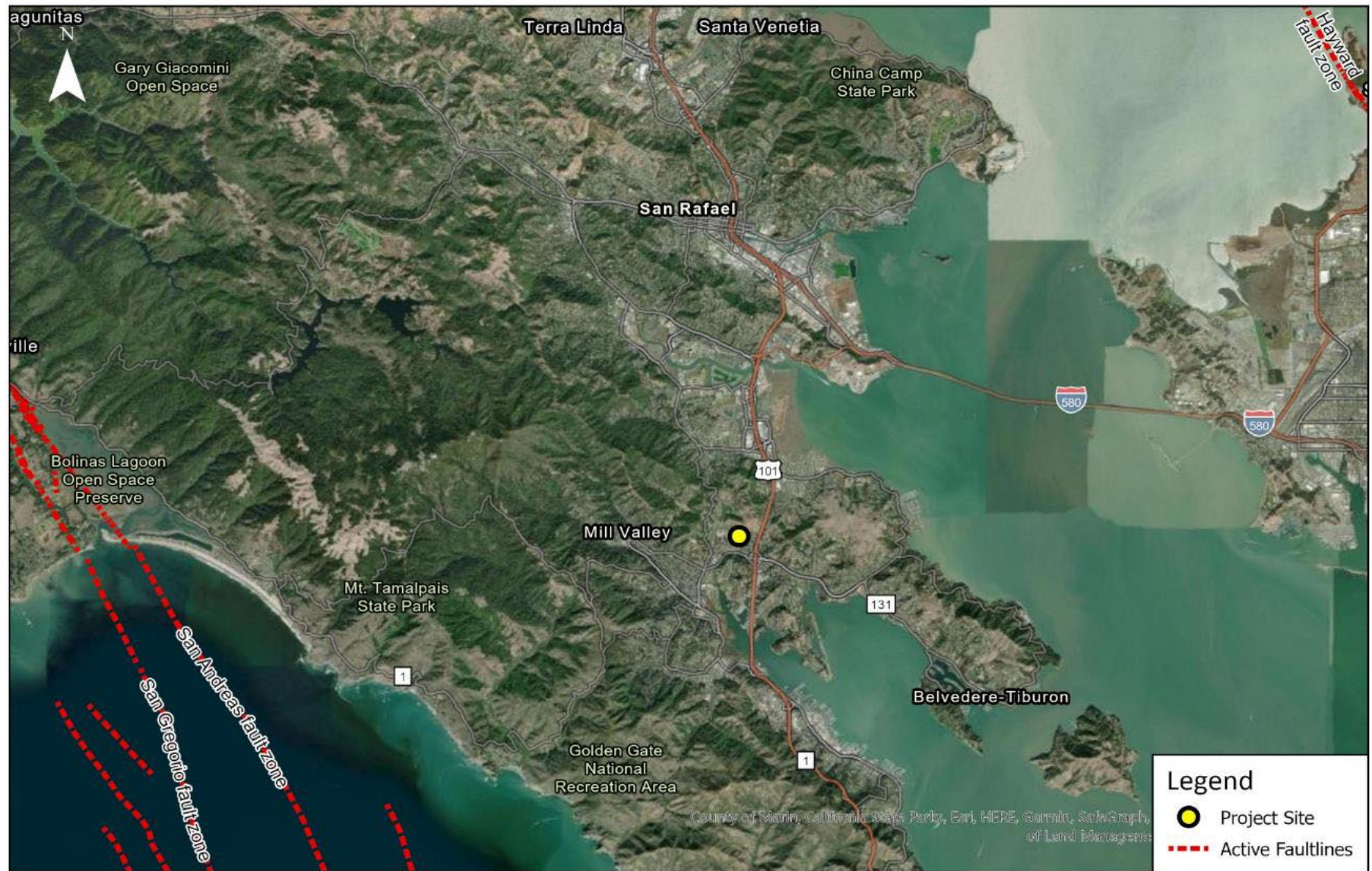
No known active or potentially active faults cross the Project site, and the Project site is not within an Earthquake Fault Zone as delineated by the Alquist-Priolo Earthquake Fault Zoning Act.

While the Project is not within an Earthquake Fault Zone, the San Francisco Bay Area region has several known seismically active faults, making the area subject to strong ground shaking in the event of an earthquake. The closest faults to the Project site are the San Andreas Fault (located 9.4 miles away), San Gregorio fault (15.7 miles away), the Hayward fault (13.4 miles away), and Moraga Fault (14.6 miles away) as shown in **Figure 7**.

The Project site is located within a high probability Liquefaction Hazard Zone. Soil liquefaction is a condition where saturated granular soils near the current grade undergo a significant loss of strength during seismic events. Loose, water-saturated soils are

transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations and ground rupture. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the current grade. The Project site is also partially within a zone susceptible to landslides, but the majority of the site is within a “Few Landslides” zone as shown in **Figure 7a**.

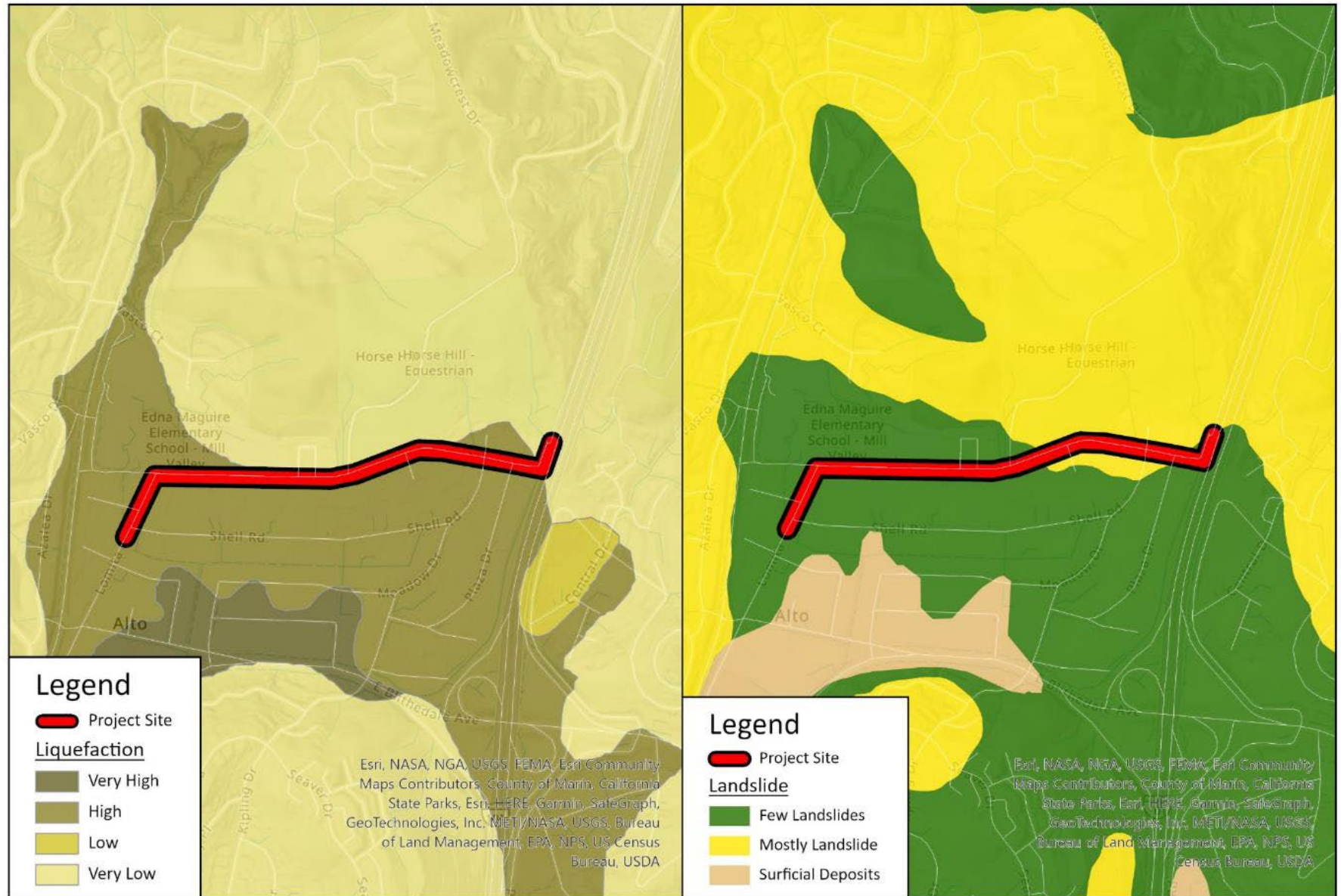
Marin Lomita Drive Project



Geology Map

Figure

7



Liquefaction & Landslide Map

Figure

7a

Impact Discussion

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.**

- **No Impact.** The Alquist-Priolo Earthquake Fault Zoning Act requires the California Geological Survey (CGS) to delineate active and well-defined fault zones. According to the CGS, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone, nor is it located on or immediately adjacent to any known active or potentially active fault (CGS, 2019). No active or potentially active faults are known to pass directly beneath the site. The nearest active fault is the San Andreas Fault, approximately 9 miles west of the Project site as can be seen in **Figure 7** above. Because the Project site is not located on or immediately adjacent to an active fault, no impact would occur. Due to the distances of faults from the Project site, and the absence of known faults within or near the Project site, implementation of the Project would not expose people or buildings to known risks of fault rupture. Thus, the impact would be less than significant, and no mitigation is required.

ii) **Strong seismic ground shaking?**

- **Less than Significant Impact.** The entire San Francisco Bay Area region is subject to strong seismic ground shaking during a large earthquake event, so risks involving seismic ground shaking at the Project site are typical for the region. While the potential for seismic ground shaking cannot be eliminated, structures would be constructed to comply with the 2022 CBC and other applicable standards and practices for earthquake-resistant construction.

The Project site, along with the entire Bay Area, is dominated seismically by the active San Andreas Fault system. The San Andreas Fault system forms the boundary between the northward-moving Pacific Plate (west of the fault) and the southward-moving North American Plate (east of the fault). In the Bay Area, this movement is distributed across a complex system of subparallel right-lateral strike-slip faults, which include the San Andreas, San Gregorio, Hayward, Rogers Creek, and Calaveras faults, among others. These faults are all considered active or potentially active and capable of producing significant intensities and durations of ground-shaking at the site. Historically, the County has been subject to intense seismic ground shaking and will likely experience seismic events from future earthquakes generated by active faults in the Bay Area.

Recent studies by the United States Geological Survey (USGS) indicate a 63 percent probability of a magnitude 6.7 or greater earthquake in the Bay Area in the next 30 years (USGS, 2008). The intensity of such an event and the severity of ground shaking at the Project site would depend on the causative fault and the distance to the epicenter, the depth of the rupture below ground surface, the movement magnitude, and the duration of shaking. A seismic event in the Bay Area could produce very strong ground-shaking at the Project site (ABAG, 2013), which could endanger people and facilities in the Project site vicinity. With adherence to design and safety standards, this impact would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

- **Less than Significant Impact.** Liquefaction susceptibility is a soil's relative resistance to collapse or failure when subjected to ground shaking. Such failures, including localized ground settlement and lateral spreading, can cause significant property damage. According to liquefaction susceptibility maps produced by the USGS, the risk of liquefaction is high at the Project site. The Project site is located within a State-designated Liquefaction Hazard Zone as well as a Marin County Liquefaction Hazard Zone. The liquefaction probability ranges from low to high within the Project site with a very high liquefaction probability 0.16 miles to the south of the Project site. The likely consequence of potential liquefaction at the site would be settlement. Compliance with the 2019 CBC Chapter 18 reduces potential risks associated with settlement from seismically induced liquefaction. With adherence to design and safety standards, this impact would be less than significant.

iv) Landslides?

- **Less than Significant Impact.** According to the Marin County GeoHub, the Project site is within an area of "few landslides," as noted on Marin County GeoHub data with a portion on the eastern side going through "Mostly landslides" as noted on the Marin County Geohub data. The classification "few landslides" means having a Landslide Susceptibility Class Data value of six on a scale of 0 (low) to 10 (high). This is determined by a combination of slope steepness and underlying rock strength. With adherence to design and safety standards and by keeping improvements within the ROW, the Project would have a less than significant impact.

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

- **Less than Significant Impact.** The primary soil properties that influence the erodibility of soil are texture, structure, organic matter content, and permeability. The collective influence of these soil properties on the erodibility of a soil is described as the soil-erodibility factor (K).

The Project site is overlain by Saurin-Bonnydoon Complex consisting of 50 percent Saurin and 40 percent Bonnydoon, and Xerorthents-Urban land complex soils consisting of 45 percent Xerorthents and 40 percent Urban Land.

The Complex soil Saurin contains approximately 35 percent sand from surface level to approximately 82 centimeters below surface level. Saurin also contains approximately 32 percent clay from surface level to approximately 82 centimeters below surface level. Two percent of Saurin is organic matter down to a depth of approximately 25 centimeters below surface level where percentage drops to 0.8 percent of organic matter.

The Complex Soil Bonnydoon contains approximately 40 percent sand from surface level down to approximately 25 centimeters below surface level. The complex also contains approximately 22 percent clay from surface level to approximately 28 centimeters below surface level.

Soils with properties that result in a high susceptibility to water erosion have K factors greater than 0.4. The Project site's clay and sandy soil has a factor of 0.02 to 0.54, indicating a low to medium susceptibility of soil to erosion.⁴¹ Project construction would involve ground-disturbing activities such as excavation, which could mobilize sediment and cause erosion. Construction of the driveway approaches would involve the removal of existing pavement and the placement of fill material, aggregate base and hot mix asphalt pavement. As a result, impacts related to erosion and loss of topsoil would be less than significant and no mitigation is required.

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?

- **Less than Significant Impact.** As stated above, the Project site is partially located within a mapped landslide hazard. Additionally, USGS liquefaction susceptibility maps determine that risk of liquefaction is moderate at the Project site (USGS, 2000).

The Project site is at risk of lateral spreading or landslides. While the Project could experience settlement or structural issues as a result of soil liquefaction, the condition of approval described above would reduce these risks to a less than significant level. With adherence to design and safety standards, this impact would be less than significant and no mitigation is required.

⁴¹ Soil Erosion Calculator. Available: <https://www.ruvival.de/soil-erosion-calculator/>. Accessed: October 2023

- 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?**
- **Less than Significant with Mitigation.** Moderate to highly expansive soils generally blanket the Project site. Expansive soils can undergo significant volume changes when moisture content in the soil fluctuates. This continuous change in volume can cause building foundations to move unevenly and crack. To avoid risks associated with expansive soils, foundation design would be reviewed and approved by City engineers for compliance with Table 18-1-B of the Uniform Building Code and the 2019 CBC general foundation design standards. **Mitigation Measure GEO-1** would be implemented to reduce potential impacts from expansive soils to a less than significant level.

Mitigation Measure GEO-1: Treatment of expansive soils

Expansive soils shall be addressed through treatment or removal, in order to reduce the potential for structural damage. Slabs-on-grade should have sufficient reinforcement and be supported on a layer of non-expansive fill. Treatment of expansive soil may include lime or other additives to reduce expansion potential. Footings should extend below the zone of seasonal moisture content variation. Expansive soils may also be replaced with a non-expansive fill material to a depth where the seasonal moisture content variation becomes relatively insignificant. The appropriate depth shall be determined by a qualified structural engineer. In addition, moisture changes in the surficial soils should be limited by directing drainage away from buildings, as well as limiting the water used for landscaping.

With implementation of Mitigation Measure GEO-1, potential risks associated with expansive soils would be reduced to be less than significant.

- 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?**
- **No Impact.** The Project does not require the use of septic tanks or other alternative wastewater disposal systems. No impacts would occur.
- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- **Less than Significant with Mitigation.** According to the USGS, the Project site is overlain by the Franciscan Complex- mélange consisting of greywacke sandstones, shales and conglomerates which have experienced low-grade

metamorphism. Franciscan complexes contain a sparse assemblage of fossils, particularly microfossils.⁴²

Ground-disturbing activities could encounter undocumented paleontological resources during Project construction. In the event that paleontological resources are discovered during construction, application of Mitigation Measure GEO-1 and Mitigation Measure GEO-2 would reduce this impact to a less than-significant level.

Mitigation Measure GEO-2: Discovery of Paleontological Resources

Discovery of a paleontological specimen during any phase of the Project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact to a less than significant level.

⁴² Geologic Map and Map Database of Northeastern San Francisco Bay Region, California Available: <https://pubs.usgs.gov/mf/2002/2403/mf2403j.pdf>. Accessed: October 2023.

8 Greenhouse Gas Emissions

Would the project:	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?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Regulatory Setting

Federal

Federal Clean Air Act

The U.S. Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) that the U.S. Environmental Protection Agency (EPA) has the authority to regulate motor vehicle GHG emissions under the Federal Clean Air Act. The U.S. EPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the U.S. EPA issued a Final Rule that established the GHG permitting thresholds that determine when Clean Air Act permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (134 Supreme Court 2427 [2014]), the U.S. Supreme Court held the U.S. EPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution and GHG control programs in California. There are numerous regulations aimed at reducing the State's GHG emissions.

California Global Warming Solutions Act Of 2006 (Assembly Bill 32 And Senate Bill 32)

The "California Global Warming Solutions Act of 2006," (Assembly Bill [AB] 32), outlines California's major legislative initiative for reducing GHG emissions. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 target of 431 million metric tons (MMT) of CO₂e, which was achieved in 2016. CARB approved the Scoping Plan on December 11, 2008, which included GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among others.⁴³ Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since the Scoping Plan's approval.

The CARB approved the 2013 Scoping Plan update in May 2014. The update defined the CARB's climate change priorities for the next five years, set the groundwork to reach post-2020 statewide goals, and highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the State's longer term GHG reduction strategies with other State policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use.⁴⁴

On September 8, 2016, the governor signed Senate Bill (SB) 32 into law, extending the California Global Warming Solutions Act of 2006 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation, such as SB 1383 and SB 100. The 2017 Scoping Plan also puts an increased emphasis

⁴³ California Air Resources Board. 2008. *Climate Change Scoping Plan*. Available: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2008-scoping-plan-documents>. Accessed: October 23, 2023.

⁴⁴ California Air Resources Board. 2014. *AB 32 Scoping Plan Website*. Available: <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>. Accessed: October 23, 2023.

on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with statewide per capita goals of six metric tons (MT) of CO₂e by 2030 and two MT of CO₂e by 2050.⁴⁵ As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level), but not for specific individual projects because they include all emissions sectors in the State.

The California Climate Crisis Act (Assembly Bill 1279)

AB 1279 was passed on September 16, 2022, and declares the State would achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045. In addition, achieve and maintain net negative greenhouse gas emissions and ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85 percent below the 1990 levels. The bill would require updates to the scoping plan (once every five years) to implement various policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies.

2022 Update to The Climate Change Scoping Plan

In response to the passage of AB 1279 and the identification of the 2045 GHG reduction target, CARB published the Final 2022 Climate Change Scoping Plan in November 2022.⁴⁶ The 2022 Update builds upon the framework established by the 2008 Climate Change Scoping Plan and previous updates while identifying new, technologically feasible, cost-effective, and equity-focused path to achieve California's climate target. The 2022 Update includes policies to achieve a significant reduction in fossil fuel combustion, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands (NWL) to reduce emissions and sequester carbon, and the capture and storage of carbon.

The 2022 Update assesses the progress California is making toward reducing its GHG emissions by at least 40 percent below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan, addresses recent legislation and direction from Governor Newsom, extends and expands upon these earlier plans, and implements a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045, as well as taking an additional step of adding carbon neutrality as a science-based guide for California's climate work. As stated in the 2022 Update, "The plan outlines how carbon neutrality can be achieved by taking bold steps to reduce GHGs to meet the anthropogenic emissions target and by expanding actions to capture and store carbon

⁴⁵ California Air Resources Board. 2017. *California's 2017 Climate Change Scoping Plan*. Available: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed: October 23, 2023.

⁴⁶ California Air Resources Board. 2022. *2022 Scoping plan Documents*. Available: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>. Accessed: October 23, 2023.

through the State's NWL and using a variety of mechanical approaches".⁴⁷ Specifically, the 2022 Update:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 and a reduction in anthropogenic emissions by 85 percent below 1990 levels.
- Focuses on strategies for reducing California's dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California's most impacted communities as driving principles throughout the document.
- Incorporates the contribution of NWL to the State's GHG emissions, as well as their role in achieving carbon neutrality.
- Relies on the most up-to-date science, including the need to deploy all viable tools to address the existential threat that climate change presents, including carbon capture and sequestration, as well as direct air capture.
- Evaluates the substantial health and economic benefits of taking action.
- Identifies key implementation actions to ensure success.

In addition to reducing emissions from transportation, energy, and industrial sectors, the 2022 Update includes emissions and carbon sequestration in NWL and explores how NWL contribute to long-term climate goals. Under the Scoping Plan Scenario, California's 2030 emissions are anticipated to be 48 percent below 1990 levels, representing an acceleration of the current SB 32 target. Cap-and-Trade regulation continues to play a large factor in the reduction of near-term emissions for meeting the accelerated 2030 reduction target. Every sector of the economy will need to begin to transition in this decade to meet our GHG reduction goals and achieve carbon neutrality no later than 2045. The 2022 Update approaches decarbonization from two perspectives, managing a phasedown of existing energy sources and technologies, as well as increasing, developing, and deploying alternative clean energy sources and technology.

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the State's ability to reach AB 32 goals by directing the CARB to

⁴⁷ California Air Resources Board. 2022. *2022 Scoping Plan Documents*. Available: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>. Accessed: October 23, 2023.

develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations (MPO) are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the MPO's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Association of Bay Area Governments (ABAG) was assigned targets of a 3 percent reduction in per capita GHG emissions from passenger vehicles by 2020 and a 6 percent reduction in per capita GHG emissions from passenger vehicles by 2035.

Senate Bill 1383

Adopted in September 2016, SB 1383 (Lara, Chapter 395, Statutes of 2016) requires the CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

Senate Bill 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's RPS Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Executive Order B-55-18

On September 10, 2018, the former Governor Brown issued Executive Order (EO) B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

California Building Standards Code

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Standards Code. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap accessibility for persons with physical and sensory disabilities. The current iteration is the 2022 Title 24 standards. The California Building Standards Code's energy-efficiency and green building standards are outlined below.

Part 6 – Building Energy Efficiency Standards/Energy Code. CCR Title 24, Part 6 is the Building Energy Efficiency Standards or California Energy Code. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. New construction and major renovations must demonstrate their compliance with the current Energy Code through submittal and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. The 2022 Title 24 standards are the applicable building energy efficiency standards for the project because they became effective on January 1, 2023.

Part 11 – California Green Building Standards. The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The 2022 CALGreen includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes voluntary tiers with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements. The mandatory standards applicable to the project require:

- 20 percent reduction in indoor water use relative to specified baseline levels;⁴⁸
- Waste Reduction:
 - Non-residential: Reuse and/or recycling of 100 percent of trees, stumps, rocks, and associated vegetation soils resulting from primary land clearing;
- Inspections of energy systems to ensure optimal efficiency
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;

⁴⁸ Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CALGreen water-reduction requirements must be demonstrated through completion of water use reporting forms. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

- Electric Vehicle (EV) Charging for New Construction:⁴⁹
 - Non-residential land uses shall comply with the following EV charging requirements based on the number of passenger vehicle parking spaces:
 - 0-9: no EV capable spaces or charging stations required;
 - 10-25: 4 EV capable spaces but no charging stations required;
 - 26-50: 8 EV capable spaces of which 2 must be equipped with charging stations;
 - 1-75: 13 EV capable spaces of which 3 must be equipped with charging stations;
 - 76-100: 17 EV capable spaces of which 4 must be equipped with charging stations;
 - 101-150: 25 EV capable spaces of which 6 must be equipped with charging stations;
 - 151-200: 35 EV capable spaces of which 9 must be equipped with charging stations; and
 - More than 200: 20 percent of the total available parking spaces of which 25 percent must be equipped with charging stations;
 - Non-residential land uses shall comply with the following EV charging requirements for medium- and heavy-duty vehicles: warehouses, grocery stores, and retail stores with planned off-street loading spaces shall install EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) at the time of construction based on the number of off-street loading spaces as indicated in Table 5.106.5.4.1 of the California Green Building Standards;
- Bicycle Parking:
 - Non-residential short-term bicycle parking for projects anticipated to generate visitor traffic: permanently anchored bicycle racks within 200 feet of visitor entrance for 5 percent of new visitor motorized vehicle parking spaces with a minimum of one 2-bike capacity rack; and/or
 - Non-residential buildings with tenant spaces of 10 or more employees/tenant-occupants: secure bicycle parking for 5 percent of the

⁴⁹ EV Capable = a vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways to support EV charging; EV-ready = a vehicle space which is provided with a branch circuit and any necessary raceways to accommodate EV charging stations, including a receptacle for future installation of a charger (see 2022 California Green Building Standard Code, Title 24 Part 11 for full explanation of mandatory measures, including exceptions).

employee/tenant-occupant vehicle parking spaces with a minimum of one bicycle parking facility.

- Shade Trees (Non-Residential):
 - Surface parking: minimum No. 10 container size or equal shall be installed to provide shade over 50 percent of the parking within 15 years (unless parking area covered by appropriate shade structures and/or solar);
 - Landscape areas: minimum No. 10 container size or equal shall be installed to provide shade of 20 percent of the landscape area within 15 years; and/or
- Hardscape areas: minimum No. 10 container size or equal shall be installed to provide shade of 20 percent of the landscape area within 15 years (unless covered by applicable shade structures and/or solar or the marked area is for organized sports activities).

The voluntary Tier I and Tier II standards require:

- Tier I:
 - Stricter energy efficiency requirements;
 - Stricter water conservation requirements for specific fixtures;
 - minimum 65 percent reduction in construction waste with third-party verification, Minimum 10 percent recycled content for building materials;
 - Minimum 20 percent permeable paving;
 - Minimum 20 percent cement reduction;
- Tier II:
 - Stricter energy efficiency requirements,
 - Stricter water conservation requirements for specific fixtures;
 - Minimum 75 percent reduction in construction waste with third-party verification
 - Minimum 15 percent recycled content for building materials;
 - Minimum 30 percent permeable paving; and/or
 - Minimum 25 percent cement reduction.

California Integrated Waste Management Act (Assembly Bill 341)

The California Integrated Waste Management Act of 1989, as modified by AB 341 in 2011, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows: (1) diversion of 25 percent of all solid waste by

January 1, 1995, through source reduction, recycling, and composting activities and (2) diversion of 50 percent of all solid waste on and after January 1, 2000.

Executive Order N-79-20

On September 23, 2020, Governor Newsom issued EO N-79-20, which established the following new statewide goals:

- All new passenger cars and trucks sold in-state to be zero-emission by 2035;
- All medium- and heavy-duty vehicles in the State to be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and
- All off-road vehicles and equipment to be zero-emission by 2035 where feasible.

EO N-79-20 directs CARB, the Governor's Office of Business and Economic Development, the CEC, the California Department of Transportation, and other State agencies to take steps toward drafting regulations and strategies and leveraging agency resources toward achieving these goals.

Clean Energy, Jobs, And Affordability Act Of 2022 (Senate Bill 1020)

Adopted on September 16, 2022, SB 1020 creates clean electricity targets for eligible renewable energy resources and zero-carbon resources to supply 90 percent of retail sale electricity by 2035, 95 percent by 2040, 100 percent by 2045, and 100 percent of electricity procured to serve all State agencies by 2035. This bill states that to achieve this, carbon emissions should not be increased elsewhere in the western grid.

Qualified GHG Reduction Strategy

In 2010, the California State Office of Planning and Research adopted revised CEQA Guidelines that allow streamlining of project-level analysis of GHG emissions through compliance with a GHG reduction plan contained in a general plan, long range development plan, or separate climate action plan. Plans must meet the criteria set forth in section 15183.5 of the CEQA Guidelines, which include requirements for quantifying existing and projected GHGs; identifying a level of cumulative GHG emissions that would not be considered significant; specifying measures and standards that would ensure achievement of this level; and continued monitoring to track progress. This Climate Action Plan (CAP) meets those criteria as follows:

- Quantify emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area (see Chapter 2).
 - Establish a level, based on substantial evidence, below which the contribution of emissions from activities covered by the plan would not be cumulatively considerable. This CAP identifies three targets, consistent with State guidance, that are further addressed in Chapter 2.
 - Reduce emissions through mitigation measures to 40 percent below 1990 levels by 2030 (equivalent to statewide target).

- Reduce emissions through mitigation and sequestration measures to 60 percent below 2005 levels by 2030 (Drawdown Marin target).
 - Reduce emissions through mitigation and sequestration measures to below zero by 2045 (Drawdown Marin and Executive Order B-55-18 target).
- Identify and analyze the emissions resulting from specific actions or categories of actions anticipated within the geographic area (see Chapter 2).
- Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level (see Chapter 3 and Chapter 4).
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specific levels (see Chapter 5).
- Adopt the GHG Reduction Strategy in a public process following environmental review. The County is adopting this CAP as an Addendum to the Countywide Plan Environmental Impact Report (EIR).

Local

BAAQMD CEQA GHG Guidelines

The Bay Area Air Quality Management District (BAAQMD) has adopted thresholds of significance to assist in the review of operational GHGs under CEQA. BAAQMD has not adopted a threshold for construction-period GHG emissions, as GHG emission impacts reflect the long-term and cumulative effect of GHG on a global scale, while construction-period emissions are intermittent and temporary. These thresholds are designed to establish the level at which GHG emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD for GHG emissions established on April 20, 2022, include the following project-design elements for Land Use projects:

- The project will not include natural gas appliances or natural gas plumbing;
- The project will not result in wasteful, inefficient, or unnecessary energy usage;
 - Achieve a reduction in project-generated vehicle miles traveled below the regional average consistent with the California Climate Change Scoping Plan, or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA; and
- Achieve compliance with off-street electrical vehicle requirements in the most recently adopted version of CALGreen Tier 2.

If the above screening criteria are not met, a project would still have a less-than-significant impact if it is consistent with a local GHG reduction strategy. In accordance with CEQA Guidelines Section 15064(h)(3) and BAAQMD guidance, consistency with the County's CAP, which qualifies as a GHG reduction strategy, is used to determine significance for this Project.

Plan Bay Area 2050

Plan Bay Area 2050 is a State-mandated, integrated long-range transportation, land-use, and housing plan that would support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area.⁵⁰ "Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for the Metropolitan Transportation Commission (MTC), ABAG, and partner organizations to take over the next five years to make headway on each of the 35 strategies."⁵¹

Marin County Unincorporated Climate Action Plan

The Marin County Unincorporated Area Climate Action Plan 2030 (Marin CAP) outlines the County's path towards reducing local greenhouse gas emissions and other air pollutants through the year 2030. The Marin CAP was originally adopted in December 2020 and most recently updated in January 2024 and includes goals and strategies to reduce GHG emissions. The following goals and strategies are applicable to the project:

Low Carbon Transportation Actions

- **LCT-C3: Walking.** Encourage walking as an alternative to vehicle use.
- **LCT-M2: Low Carbon Fuels.** Continue to use low-carbon fuel such as renewable diesel as a transition fuel in the County's fleet and encourage the County's service providers and joint powers agencies to do the same until vehicles are replaced with zero emission vehicles.

Waste Reduction Actions

- **WR-C3: Construction & Demolition Debris and Self-Haul Waste.** 1). Require all loads of construction & demolition debris and self-haul waste to be processed for recovery of materials as feasible.

⁵⁰ Association of Bay Area Governments. 2021. *Plan Bay Area 2050*. Available: <https://www.planbayarea.org/finalplan2050>. Accessed: October 23, 2023.

⁵¹ Bay Area Metro. 2022. *Final Plan Bay Area 2050*. Available: <https://www.planbayarea.org/finalplan2050>. Accessed: October 23, 2023.

Energy Efficient Actions

- **EE-C3: Cool Pavement and Roofs.** Use reflective, high albedo material for roadways, parking lots, and sidewalks and cool roofs to reduce the urban heat island effect and save energy.

Environmental Setting

Greenhouse Gas Overview

Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as “carbon dioxide equivalent” (CO₂e), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of 1. By contrast, methane has a GWP of 30, meaning its global warming effect is 30 times greater than CO₂ on a molecule per molecule basis.^{52,53}

Climate change is the observed increase in the average temperature of the Earth’s atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term “climate change” is often used interchangeably with the term “global warming,” but climate change is preferred because it conveys that other changes are happening in addition to rising temperatures. The baseline against which these changes are measured originates from historical records that identify temperature changes that occurred in the past, such as during previous ice ages.

⁵² The Intergovernmental Panel on Climate Change’s (2021) Sixth Assessment Report determined that methane has a GWP of 30. However, the 2017 Climate Change Scoping Plan published by the California Air Resources Board uses a GWP of 25 for methane, consistent with the Intergovernmental Panel on Climate Change’s (2007) Fourth Assessment Report. Therefore, this analysis utilizes a GWP of 25.

⁵³ Intergovernmental Panel on Climate Change. 2021. Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)] Cambridge University Press. Available: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf. Accessed: July 17, 2023.

The global climate is changing continuously, as evidenced in the geologic record which indicates repeated episodes of substantial warming and cooling. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming over the past 150 years. The Intergovernmental Panel on Climate Change (IPCC) expressed that the rise and continued growth of atmospheric CO₂ concentrations is unequivocally due to human activities in the IPCC's Sixth Assessment Report (2021).

Human influence has warmed the atmosphere, ocean, and land, which has led the climate to warm at an unprecedented rate in the last 2,000 years. It is estimated that between the period of 1850 through 2019, that a total of 2,390 gigatonnes of anthropogenic CO₂ was emitted. It is likely that anthropogenic activities have increased the global surface temperature by approximately 1.07 degrees Celsius (°C) between the years 2010 through 2019.⁵⁴

Greenhouse Gas Emissions Inventory

Global Emissions Inventory

In 2015, worldwide anthropogenic GHG emissions totaled 47,000 MMT of CO₂e, which is a 43 percent increase from 1990 GHG levels. Specifically, 34,522 MMT of CO₂e of CO₂, 8,241 MMT of CO₂e of CH₄, 2,997 MMT of CO₂e of N₂O, and 1,001 MMT of CO₂e of fluorinated gases were emitted in 2015. The largest source of GHG emissions were energy production and use (includes fuels used by vehicles and buildings), which accounted for 75 percent of the global GHG emissions. Agriculture uses and industrial processes contributed 12 percent and 6 percent, respectively. Waste sources contributed 3 percent. These sources account for approximately 96 percent.⁵⁵

United States Emissions Inventory

U.S. GHG emissions were 6,347.7 MMT of CO₂e in 2021 or 5,593.5 MMT CO₂e after accounting for sequestration. Emissions increased by 6.8 percent from 2020 to 2021. The increase from 2020 to 2021 was driven by an increase in CO₂ emissions from fossil fuel combustion which increased 7 percent relative to previous years and is primarily due to the economic rebounding after the COVID-19 Pandemic. In 2020, the energy sector (including transportation) accounted for 81 percent of nationwide GHG emissions while

⁵⁴ The Intergovernmental Panel on Climate Change. 2021. Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press. Available:

https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf. Accessed: July 11, 2023.

⁵⁵ United States Environmental Protection Agency. 2022. *Climate Change Indicators: Global Greenhouse Gas Emissions*. Available: <https://www.epa.gov/climate-indicators/climate-change-indicators-global-greenhouse-gas-emissions>. Accessed: July 11, 2023.

agriculture, industrial and waste accounted for approximately 10 percent, 6 percent and 3 percent respectively.⁵⁶

California Emissions Inventory

Based on the CARB California Greenhouse Gas Inventory for 2000-2020, California produced 369.2 MMT of CO₂e in 2020, which is 35.3 MMT of CO₂e lower than 2019 levels. The 2019 to 2020 decrease in emissions is likely due in large part to the impacts of the COVID-19 pandemic. The major source of GHG emissions in California is the transportation sector, which comprises 37 percent of the State's total GHG emissions. The industrial sector is the second largest source, comprising 20 percent of the State's GHG emissions while electric power accounts for approximately 16 percent.⁵⁷ The magnitude of California's total GHG emissions is due in part to its large size and large population compared to other States. However, a factor that reduces California's per capita fuel use and GHG emissions as compared to other States is its relatively mild climate. In 2016, the State of California achieved its 2020 GHG emission reduction target of reducing emissions to 1990 levels as emissions fell below 431 MMT of CO₂e. The annual 2030 statewide target emissions level is 260 MT of CO₂e.⁵⁸

Local Emissions Inventory⁵⁹

Based on the Marin County CAP 2030, the County generated approximately 380,318 metric tons of CO₂e in 2018. Nonresidential electricity consumption was the major source accounting for approximately 0.8 MMT of CO₂e. The agriculture sector produced the most CO₂e with 122,371 metric tons in 2018. Transportation accounted for approximately 117,767 metric tons of CO₂e. The remaining emissions came from water distribution, natural gas usage, residential electricity consumption, landfilled waste and wastewater treatment, and off-road emissions. The 2017 GHG emissions equate to an approximately 23 percent reduction from the 2005 GHG emissions (approximately 113,367 metric tons of CO₂e) with the greatest reductions in GHG emissions coming from reduced water distribution. Emissions would be approximately 370,000 metric tons of CO₂e by 2050 under the BAU forecast, a decrease of 2.7 percent from 2018 levels if no further reduction measures are taken.

The County first adopted a GHG Reduction Plan in 2006 based on a long-standing commitment to environmental stewardship and sustainability. The Plan established GHG

⁵⁶ United States Environmental Protection Agency. 2023. *Inventory of Greenhouse Gas Emissions and Sinks: 1990-2021*. Available: <https://www.epa.gov/system/files/documents/2023-02/US-GHG-Inventory-2023-Main-Text.pdf>. Accessed: July 11, 2023.

⁵⁷ California Air Resources Board. 2022. *California Greenhouse Gas Emissions for 2000 to 2020 Trends of Emissions and Other Indicators*. Available: https://ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000-2020_ghg_inventory_trends.pdf. Accessed: July 11, 2023.

⁵⁸ California Air Resources Board. 2017. *California's 2017 Climate Change Scoping Plan*. Available: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed: October 16, 2023.

⁵⁹ Marin County. 2022. *Marin County Climate Action Plan*. Available: https://www.marincounty.org/-/media/files/departments/cd/planning/sustainability/climate-and-adaptation/cap-2030_12082020final.pdf. Accessed October 16, 2023

emission levels for 1990 and established a goal to reduce emissions 15 percent below 1990 levels by 2020.

Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources though potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. The year 2024 was the warmest year on record and was 1.29°C (2.32°F) above the 20th century average of 13.9°C (57.0°F). This value is 0.10°C (0.18°F) less than the record set in 2023 which was previously the warmest year on record.⁶⁰ Furthermore, several independently analyzed data records of global and regional Land-Surface Air Temperature obtained from station observations jointly indicate that Land Surface Air Temperature and sea surface temperatures have increased. Due to past and current activities, anthropogenic GHG emissions are increasing global mean surface temperature at a rate of 0.2°C per decade. In addition to these findings, there are identifiable signs that global warming is currently taking place, including substantial ice loss in the Arctic over the past two decades.^{61,62}

Potential impacts of climate change in California may include reduced water supply from snowpack, sea-level rise, more extreme heat days per year, more large forest fires and wildfires, and more drought years. California's Fourth Climate Change Assessment includes regional reports that summarize climate impacts and adaptation solutions for nine regions of the State and regionally specific climate change case studies.⁶³ However, while there is growing scientific consensus about the possible effects of climate change at a global and statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy. A summary follows of some of the potential effects that climate change could generate in California.

⁶⁰ National Oceanic and Atmospheric Administration. 2025. *2024 was the world's warmest year on record*. Available: [2024 was the world's warmest year on record | National Oceanic and Atmospheric Administration](https://www.noaa.gov/2024-was-the-worlds-warmest-year-on-record/). Accessed: February 19, 2025.

⁶¹ International Panel on Climate Change. 2014. *Climate Change 2014 Synthesis Report*. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Available https://www.ipcc.ch/site/assets/uploads/2018/02/ar4_syr_full_report.pdf. Accessed July 11, 2023

⁶² International Panel on Climate Change. 2018. *Summary for Policymakers*. In: *Global warming of 1.5°C*. Available: <https://www.ipcc.ch/sr15/>. Accessed: July 11, 2023.

⁶³ California Natural Resources Agency. 2019. *California's Fourth Climate Change Assessment Statewide Summary Report*. Available: <http://www.climateassessment.ca.gov/state/>. Accessed: July 11, 2023

Impact Discussion

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

- **Less than Significant Impact.** Global warming associated with the “greenhouse effect” is a process whereby GHG accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide, methane, nitrous oxide, and fluorinated compounds. GHG emissions contributing to global climate change are attributable to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors. The 2030 Marin County Climate Action Plan establishes three targets:
 - Reduce emissions through mitigation measures to 40 percent below 1990 levels by 2030.
 - Reduce emissions through mitigation and sequestration measures to 60 percent below 2005 levels by 2030.
 - Reduce emissions through mitigation and sequestration measures to below zero by 2045.

Road construction would result in GHG emissions associated with construction equipment usage and vehicle trips to and from the Project site. Construction activities would include demolition, site preparation, grading, and paving. Neither the County nor the BAAQMD has quantified thresholds for construction activities. However, the BAAQMD encourages the incorporation of BMPs to reduce GHG emissions during construction where feasible and applicable. BMPs may include, but are not limited to, using alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment for at least 15 percent of the fleet; using at least 10 percent local building materials; and recycling or reusing at least 50 percent of construction waste or demolition materials. Based on the level of expected GHG emissions for a construction project of this magnitude, and with BMPs incorporated, construction-related GHG emissions would not be regionally significant.

Additionally, the finished road would not increase roadway capacity and therefore would not induce additional vehicle miles traveled (VMT). Thus, no change in automobile-related GHG emissions would occur during Project operation. This impact would be less than significant.

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

- **Less than Significant Impact.** Once completed, the road would not have additional travel lanes and thus would not induce an increase in vehicle miles

traveled or lead to land conversions that would result in significant GHG emissions. Therefore, the Project would not conflict with the GHG goals set forth in the Marin County GHG Reduction Plan. This impact would be less than significant.

9 Hazards and Hazardous Materials

Would the project:	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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

Regulatory Setting

Federal

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response;
- Long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be conducted only at sites listed on U.S. EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also

established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁶⁴

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal Federal law in the United States governing the disposal of solid waste and hazardous waste. The RCRA gives U.S. Environmental Protection Agency (EPA) the authority to control hazardous waste from “cradle to grave” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid waste.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the U.S. EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁶⁵

State

Government Code Section 65962.5

Section 65962.5 of the Government Code requires California Environmental Protection Agency (CalEPA) to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by State and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁶⁶

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County’s Department of Public Works Certified Unified Program Agency (CUPA) Program reviews CalARP risk-management plans. County codes and programs covered by the CUPA include the Underground Storage Tank Program, Hazardous Materials

⁶⁴ United States Environmental Protection Agency (U.S. EPA). 2023. *Superfund: CERCLA Overview*. Available: <https://www.epa.gov/superfund/superfund-cercla-overview>. Accessed: July 19, 2023.

⁶⁵ United States Environmental Protection Agency (U.S. EPA). 2022. Summary of the Resource Conservation and Recovery Act. Available: <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>. Accessed: July 19, 2023.

⁶⁶ California Environmental Protection Agency (CalEPA). 2023. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed: July 19, 2023.

Business Plan and the California Accidental Release Prevention Program, Hazardous Waste Generator Program, and the Aboveground Storage of Petroleum Products.

Department of Toxic Substances Control and Regional Water Quality Control Board

DTSC regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code. The Bay Regional Water Quality Control Board (RWQCB) also provides regulatory oversight for sites with contaminated groundwater or soils.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the CalEPA to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resource Control Board.

Local

Marin County

Marin Operational Area Emergency Operations Plan

The Marin County Sheriff's Office of Emergency Services' (OES) Marin Operational Area Emergency Operations Plan addresses large-scale disaster response by ensuring the effective management of emergency operations within the Marin Operational Area. It provides information on the Marin Operational Area emergency management structure and on the activation of Emergency Operations Center staff.

Marin Countywide Plan

- **Goal EH-2 Safety from Seismic and Geologic Hazards.** Minimize the loss of life, injury, and property damage due to seismic and related geological hazards.
- **Policy EH-2.1 Avoid Geologic Hazard Areas.** Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.
- **Policy EH-2.2 Comply with the Alquist-Priolo Act.** Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act.
- **Goal EH-3 Protect People from Flooding.** Protect people and property from risks associated with flooding and inundation. Minimize the loss of life, injury, and property damage due to flooding hazards
- **Policy EH-3.2 Retain Natural Conditions.** Ensure that flow capacity is maintained in stream channels and floodplains and achieve flood management

using flood plain restoration and biotechnical techniques instead of storm drains, culverts, riprap, and other forms of structural stabilization.

- **Policy EH-3.3 Monitor Environmental Change.** Consider cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.
- **GOAL EH-4 Safety from Wildfire.** Protect people and property from hazards associated with wildland and structural fires.
- **Policy EH-4.6 Ensure Adequate Fire Protection.** Ensure that adequate fire protection, including adequate evacuation routes, is provided in new development and when modifications are made to existing development.

Environmental Setting

Current and Historic Use of the Project Site

According to a review of historical records on the United States Geological Survey (USGS) Historical Topographic Map Explorer, the Project site was undeveloped land from at least 1897 through 1941 and was in the city of Corte Madera. In 1941, the drive was paved and residencies were being established to the south of the Project site with the schools to the north being built by 1950. Dollar Fire Road adjacent to the Project site to the north, was built by 1950.

On-Site Contamination

The nearest site listed on the DTSC Envirostor map is the Mill Valley Middle School, located 0.8 miles to the southwest as shown in **Figure 8**. Listed as an evaluation site, the middle school was previously used as a household-waste landfill, operating for approximately 40 years with methane and TPH-motor oil as potential contaminants of concern that caused the contamination of the site leading to its listing.

Off-Site Contamination

The DTSC Envirostor identified a scrap metal yard that operated in the immediate vicinity of the Project site, although the exact location is unknown and a Northwestern Pacific Railroad track that ran along the east side of the previous landfill was removed in the early 1970s and replaced with an asphalt-paved bike path.⁶⁷

⁶⁷ DTSC Envirostor. Mill Valley Middle School. Available: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=21820002. Accessed: October 2023.

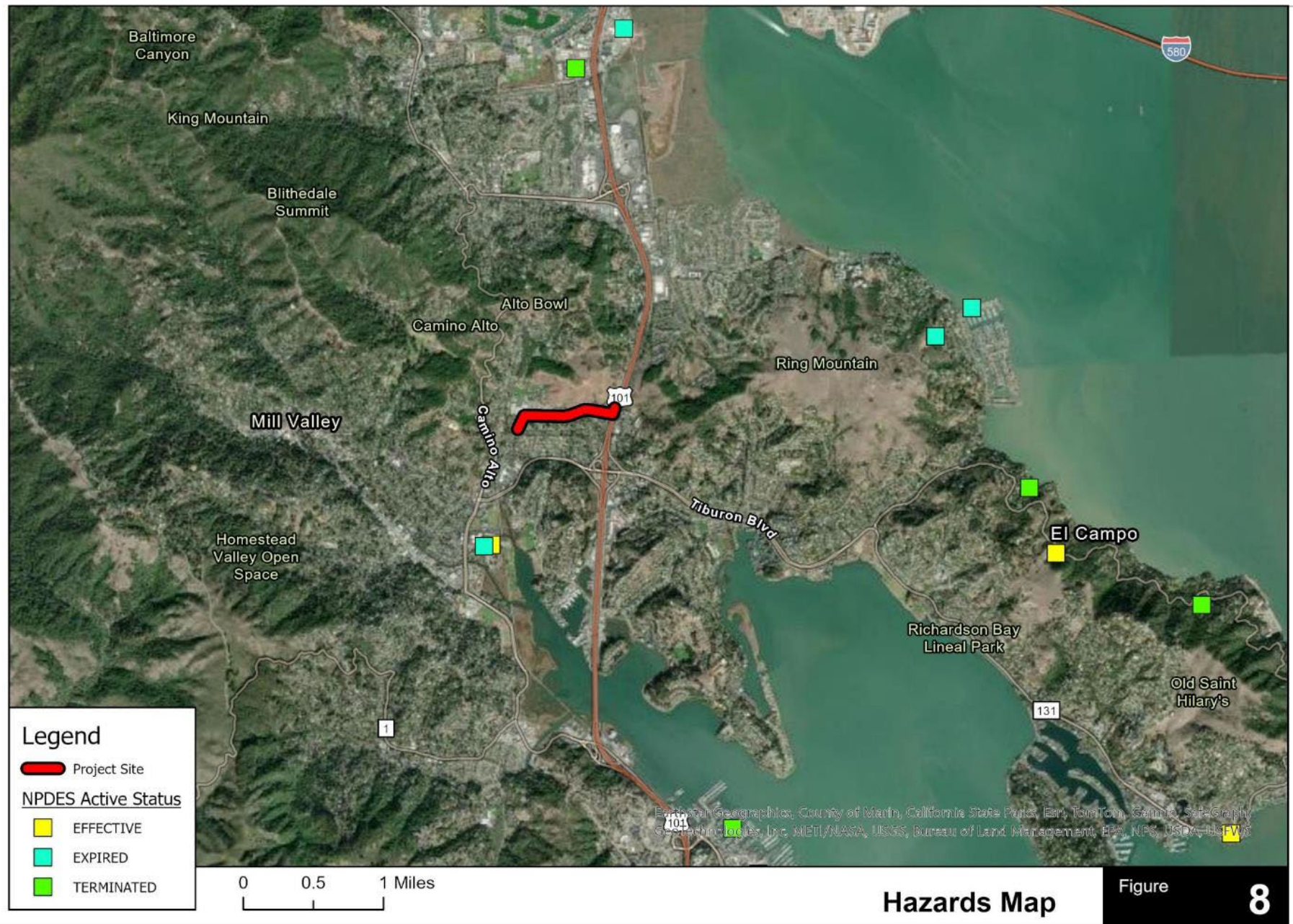
Other Hazards

Airports

The nearest airport is the San Rafael/Marin Ranch airport, a small private airport located approximately 7.5 miles north of the Project site. The Metropolitan Oakland International Airport is located approximately 23 miles to the southeast of the Project site and the San Francisco International Airport is located approximately 24 miles to the southwest of the Project site. The Project would not require referral to the Airport Land Use Commission (ALUC) and would not require a navigation easement.

Wildfire

The Project is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (FHSZs).



Impact Discussion

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

- **Less than Significant Impact.** Construction of the Project would involve the use of hazardous materials, such as gasoline, hydraulic fluids, paint, and other similar materials. Operation of the Project would not require the use or storage on-site of cleaning supplies in small quantities. No hazardous materials would be used or stored on-site.

In accordance with federal and state law, the Project would be required to disclose hazardous materials handled at reportable amounts. The small quantities of hazardous materials would not pose a risk to site users or adjacent land users. Additionally, the Project applicant would be required to prepare an emergency response and evacuation plan, conduct hazardous materials training (including remediation of accidental releases), and notify employees who work in the vicinity of hazardous materials, in accordance with Federal Occupational Health and Safety Administration and California Division of Occupational Safety and Health requirements. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during construction and operation would be less than significant, and no mitigation is required.

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?

- **Less than Significant Impact.** Construction of the Project would include ground clearing, grading, sidewalk removal and replacement, and other construction activities, which may require the limited use of hazardous materials such as fuels, oils, solvents, glues, paint and building material finishing products. Such materials would be used temporarily and typically do not generate hazardous air pollutant emissions or pose a long-term threat to human health or the environment. The use of such products would not reasonably result in an accidental release of hazardous materials into the environment. Conditions at the crossings during operation of the Project would be similar to the existing conditions of the crossings and would not handle or emit hazardous materials, substances, or waste. Thus, this impact would be less than significant, and no mitigation is required.

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

- **Less than Significant Impact.** The closest schools to the Project site are Terra Marin School and Edna Maguire Elementary School, which are adjacent to the

Project site on the north. The County will coordinate construction scheduling with the schools. The Project would require lane closures and short duration road closures will be implemented during construction. With adherence to County Code, the impacts would be less than significant.

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?

- **Less than Significant Impact.** According to a review of regulatory databases maintained by county, state, tribal, and federal agencies, it has been determined that the Project is not located on a site with hazardous materials violations or discharges. The nearest site listed on the DTSC Envirostor map is the Mill Valley Middle School located 0.8 miles to the southwest. Listed as an evaluation site, the middle school was previously used as a household waste landfill, operating for approximately 40 years with methane and TPH-motor oil as potential contaminants of concern that caused the contamination of the site leading to its listing.⁶⁸

It is unlikely that Project activities would exacerbate the risks associated with this landfill site. Because this site does not pose an immediate threat to the public or the environment during Project construction or operation, this impact would be less than significant.

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?

- **No Impact.** The Project site is not located within an airport land use plan, nor is it within two miles of a public airport or public use airport. The nearest airport is the San Rafael/Marin Ranch airport, a small private airport located approximately 7.5 miles north of the Project site. The Metropolitan Oakland International Airport is located approximately 23 miles to the southeast of the Project site and the San Francisco International Airport is located approximately 24 miles to the southwest of the Project site. The Project would not exacerbate safety hazards or excessive noise for people residing or working in the Project area, and no impact would occur.

⁶⁸ Department of Toxic Substances Control. Envirostor. Available: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=21820002. Accessed: October, 2023

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

- **Less than Significant Impact.** The Marin County Sheriff's OES Marin Operational Area Emergency Operations Plan addresses large-scale disaster response by ensuring the effective management of emergency operations within the Marin Operational Area. It provides information on the Marin Operational Area emergency management structure and on the activation of Emergency Operations Center staff. The Project would maintain lanes of traffic and would not interfere with the Marin Operational Area Emergency Operations Plan insofar as it would not interfere with Emergency Operations Center staff operations in the event of an emergency. This impact would be less than significant.

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

- **Less than Significant Impact.** The Project site is located in a developed urban area. The Project site is located approximately 0.23 miles west of a State Responsibility Area (SRA) FHSZ and approximately one mile east of a Local Responsibility Area (LRA) FHSZ. The Project site is, however, located adjacent to natural areas that could be subject to wildland fires. The Project would not result in any significant exposure of people or structures to wildland fires. Therefore, the impact would be less than significant, and no mitigation is required.

10 Hydrology and Water Quality

Would the project:	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?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐

- | | | | | | |
|------|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 | ☐ | ☐ | ☒ | ☐ |
| iv. | impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| d) | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☒ | ☐ |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☒ | ☐ |

Regulatory Setting

Federal

Federal Clean Water Act

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. U.S. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The Project site is within the jurisdiction of San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program,

FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

State

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Sustainable Groundwater Act of 2014

This act provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention, if necessary, to protect the resource. The act requires the formation of local groundwater sustainability agencies that must assess conditions in their local water basins and adopt locally based management plans. The act provides a 20-year timeframe for achievement of long-term groundwater sustainability. The Department of Water Resources (DWR) is currently taking the initial steps in developing implementation guidance.

Local

Marin Countywide Plan

The CWP identifies multiple goals, policies and implementation policies that aim to preserve and enhance the hydrologic and water quality conditions of the County. The following goals and policies have been identified to be relevant to the project.

Biological Resources:

- **Goal BIO-2 Protection of Sensitive Biological Resources.** Require identification of sensitive biological resources and commitment to adequate protection and mitigation, and monitor development trends and resource preservation efforts.
 - **Policy BIO 2-1 Include Resource Preservation in Environmental Review.** Require environmental review pursuant to CEQA of development applications to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. Require adequate mitigation measures

for ensuring the protection of any sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and function.

- **Policy BIO-2.8 Coordinate with Trustee Agencies.** Consult with trustee agencies (the California Department of Fish and Game [now referred to as the California Department of Fish and Wildlife or CDFW], U.S. Fish and Wildlife Service [USFWS], National Oceanic and Atmospheric Administration Fisheries [NOAA Fisheries], U.S. Army Corps of Engineers [USACE], Environmental Protection Agency [EPA], Regional Water Quality Control Board [RWQCB], and Bay Conservation and Development Commission [BCDC]) during environmental review when special-status species, sensitive natural communities, or wetlands may be adversely affected.
- **Goal BIO-3 Wetland Conservation.** Require all feasible measures to avoid and minimize potential adverse impacts on existing wetlands and to encourage programs for restoration and enhancement of degraded wetlands.

Water Resources

- **Goal WR-1 Healthy Watersheds.** Achieve and maintain proper ecological functioning of watersheds, including sediment transport, groundwater recharge and filtration, biological processes, and natural flood mitigation, while ensuring high-quality water.
 - **Policy WR-1.3 Improve Infiltration.** 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.
 - **Policy WR-1.e Require Restoration of Degraded Areas.** Require replanting of vegetation and remediation of associated erosion in conjunction with requested land use approvals, especially those including roads and over-grazing on steep slopes.
- **Goal WR-2 Clean Water.** Ensure that surface and groundwater supplies are sufficiently unpolluted to support local natural communities, the health of the human population, and the viability of agriculture and other commercial uses.
 - **Policy WR-2.3 Avoid Erosion and Sedimentation.** 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.
 - **Policy WR-2.4 Design County Facilities to Minimize Pollutant Input.** Design, construct, and maintain County buildings, landscaped areas,

roads, bridges, drainages, and other facilities to minimize the volume of toxics, nutrients, sediment, and other pollutants in stormwater flows, and continue to improve road maintenance methods to reduce erosion and sedimentation potential.

Environmental Hazards

- **Goal EH-3 Protect People from Flooding.** Protect people and property from risks associated with flooding and inundation. Minimize the loss of life, injury, and property damage due to flooding hazards
 - **Policy EH-3.2 Retain Natural Conditions.** Ensure that flow capacity is maintained in stream channels and floodplains and achieve flood management using flood plain restoration and biotechnical techniques instead of storm drains, culverts, riprap, and other forms of structural stabilization.
 - **Policy EH-3.3 Monitor Environmental Change.** Consider cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.

Marin County Code Chapter 23.18- Stormwater Runoff Pollution Prevention

The purpose of Chapter 23.18- Stormwater Runoff Pollution Prevention, is to ensure the future health, safety and general welfare of County residents and to protect and enhance watercourses, and fish and wildlife habitat by:

- (a) Minimizing discharges other than storm runoff to storm drains or watercourses;
- (b) Responding to the discharge of spills, preventing and controlling the discharge of spills to storm drains or watercourses and prohibiting dumping or disposal of materials other than stormwater;
- (c) Reducing pollutants in stormwater discharges to the maximum extent practicable;
- (d) Requiring operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate best management practices (BMPs); and
- (e) Maintaining pre-development stormwater runoff rates and preventing nonpoint source pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained.

This chapter also includes discharge regulations, policies to reduce pollutants in stormwater runoff, construction-phase BMPs, and permanent BMPs for new projects and redevelopment projects.

Environmental Setting

Stormwater

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the SWRCB have been developed to fulfill the requirements of this legislation. U.S. EPA's regulations include the NPDES permit program, which controls sources that discharge pollutants into waters of the US (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards. The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008). The regional permit applies to 77 Bay Area municipalities, including the city. Under the Municipal Regional Stormwater NPDES Permit, development projects that create, add, or replace 10,000 square feet or more of impervious surface area are required to control post-development stormwater runoff through source control, site design, and treatment control BMPs. Additional requirements must be met by certain large projects that create one acre or more of impervious surfaces.

In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The overall Project would not generate more than one acre of impervious surface. As such, implementation of hydromodification measures to satisfy NPDES permit conditions would not be required.

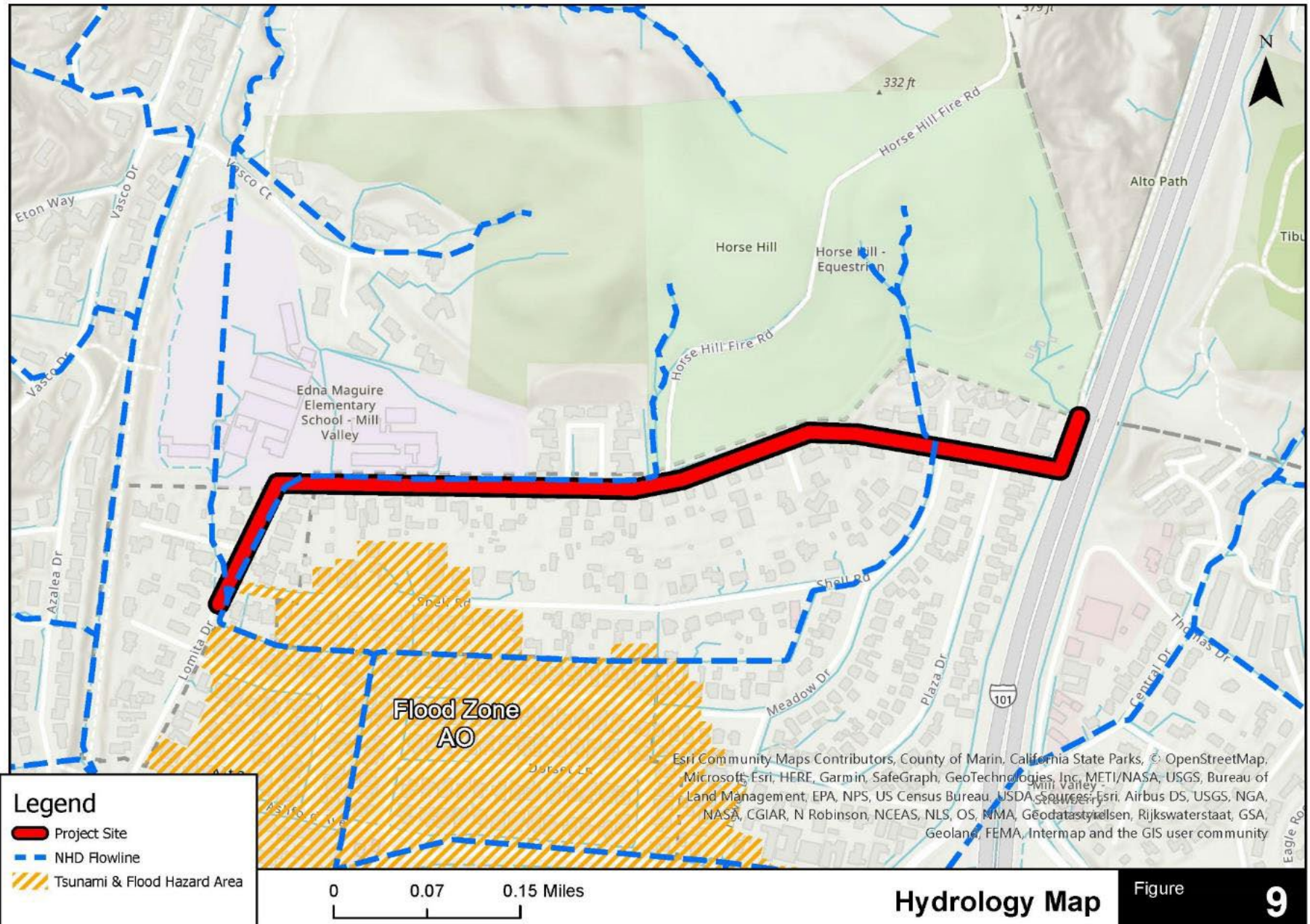
Groundwater

Fluctuations in groundwater levels are common due to seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors. The nearest groundwater basin to the Project site is the Ross Valley Groundwater Basin approximately 0.47 miles to the northeast.

Tsunamis and Seiches

Seismically induced ocean waves are caused by displacement of the sea floor by a submarine earthquake and are called tsunamis. Seiches are waves produced in a confined body of water such as a lake or reservoir by earthquake ground shaking or landsliding. Seiches are possible at reservoir, lake or pond sites. There are no large bodies of water near the Project site, but the Project site is partially in a Flood Zone AO, as shown in **Figure 9**.

Marin Lomita Drive Project



Impact Discussion

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

- **Less than Significant Impact.** The SWRCB and nine RWQCBs regulate the water quality of surface water and groundwater bodies throughout California. In the San Francisco Bay Area, including the Project site, the San Francisco Bay RWQCB is responsible for implementation of the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses for waterways and water bodies within the region. Runoff water quality is regulated by the NPDES Program (established through the federal Clean Water Act). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by state and federal statutes and regulations. Locally, the NPDES is administered by the San Francisco Bay RWQCB.

According to the San Francisco Bay RWQCB water quality control plans, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit) as well as County Code Section 23.18, Stormwater Runoff Pollution Prevention. Project construction would involve approximately 14 acres of ground-disturbing activities, such as excavation, removal of existing pavement, and vegetation removal. Therefore, the Project is subject to a NPDES Construction General Permit as well as County Code Section 23.18, Stormwater Runoff Pollution Prevention.

Construction activities have the potential to result in runoff that contains sediment and other pollutants that could degrade water quality if not properly controlled. Sources of pollution associated with construction include the use, management, and storage of construction equipment and vehicles. Compliance with the existing NPDES Permit would ensure that development of the Project would not violate any water quality standards or waste discharge requirements.

Waste discharge requirements are stipulated in the NPDES Permit issued by the RWQCB. These requirements include the preparation and implementation of an SWPPP. The purpose of the SWPPP is to identify potential sediment sources and other pollutants and prescribe best management practices (BMPs) to ensure that potential adverse erosion, siltation, and contamination impacts would not occur during construction activities. Implementation of a SWPPP would control discharge and protect water quality from potential contaminants in stormwater runoff emanating from the construction site. BMPs may include damp street sweeping, providing appropriate covers, drains, and storage precautions for outdoor material storage areas, temporary cover of disturbed surfaces, etc., that would help protect water quality.

The Project site is not located within a recognized groundwater basin and there are no groundwater recharge facilities located within the Project site, the nearest groundwater basin is the Ross Valley Groundwater Basin approximately 0.46 miles to the northeast; therefore, there are no anticipated impacts to groundwater quality.

Because anticipated traffic and use of these surfaces is not intended to increase once the Project is complete, there would not be an increase in polluted runoff. Project operation is not anticipated to increase long-term erosion or sedimentation and would not otherwise impact water quality.

Given the above, the Project would not violate any water-quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. This impact would be less than significant.

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

- **No Impact.** The Project site does not overlay a groundwater basin and there are no groundwater recharge sites located within the Project site. As mentioned previously, the closest water basin is the Ross Valley groundwater basin approximately 0.46 miles to the northeast. Due to the distance between the nearest groundwater basin and the Project site, no impacts would occur. While the Project would add new impervious surface area, this area is minimal compared to the total watershed area of the Project and would not interfere with groundwater recharge. No impact would occur.

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;

- **Less than Significant Impact.** Construction of the Project would involve ground-disturbing activities such as excavation, trenching, and grading, which could mobilize sediment and cause erosion. However, as discussed above in Section 10, Hydrology and Water Quality, Item (a), the Project's SWPPP would require construction-period erosion control activities, such as damp street sweeping, providing appropriate covers, drains, and storage precautions for outdoor material storage areas, and temporary cover of disturbed surfaces. Additionally, landscaping and the protection of existing vegetation can be used as methods of site design, source control, and erosion control. Given this, the Project would not result in significant impacts to existing drainage pattern as a result of substantial on- or off-site erosion. This impact would be less than significant.

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

- **Less than Significant Impact.** Impervious areas would not substantially increase the amount of polluted runoff in a manner that would result in flooding on- or offsite. Because the Project would not result in additional vehicle use, there would be no increase in polluted runoff. This impact would be less than significant.

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**

- **Less than Significant Impact.** Impervious areas would not substantially increase the amount of polluted runoff in a manner that would exceed the capacity of existing or planned stormwater drainage systems. Because the Project would not result in additional vehicle use, there would be no increase in polluted runoff. This impact would be less than significant.

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

- **Less than Significant Impact.** The Project does not have the potential to impede or redirect flows that would interfere with flood drainage pathways and channels. The Project improvements on Lomita Drive are located within a Zone AO region. Flood Zone AO is defined by FEMA as a River or stream flood hazard areas, and areas with a 1 percent or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26 percent chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones. The Project site is not located in a tsunami or seiche zone.

The Project would not change the overall land use within the watershed and would not cause significant impacts to impede or redirect flood flow due to increased impervious areas. The impact would be less than significant.

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

- **Less than Significant Impact.** As previously described, the Project is adjacent to an area within FEMA Flood Zone AO. The Project site is located approximately one mile from Richardson Bay and approximately five miles from the Pacific Ocean. The flood hazard zone is also the tsunami zone located approximately adjacent to 0.38 miles to the south of the Project site. Due to this distance, potential impacts related to tsunamis are minimal. Additionally, the Project site is not susceptible to impacts resulting from seiche because of its distance from any large bodies of water. Therefore, the impact would be less than significant.

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

- **Less than Significant Impact.** As previously stated, the Project would not affect groundwater resources. The Project site is located within the San Francisco Bay Basin (Region 2) and would be subject to restrictions and controls outlined in the associated Basin Plan that establishes beneficial water uses for waterways and water bodies. The Project would prepare and implement a SWPPP that would prevent construction-related water quality impacts. Given the above, the Project would not result in water quality impacts that would interfere with the Basin Plan. This impact would be less than significant.

11 Land Use and Planning

Would the project:	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)?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Regulatory Setting

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. Other policies included in the CWP are included within their relevant sections. The CWP was amended in January 2023. The CWP's Goal DES-5: Attractive and Functional Streets and Parking Areas which aims to design automobile use areas to fit the character of the community, and comfortably accommodate travel by pedestrians and bicyclists, while still meeting health, safety, and emergency access needs. The CWP seeks to achieve this goal by implementing specific policies such as Policy: DES-5.1 Achieve Streetscape Compatibility, which aims to ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

Marin County Unincorporated Area Bicycle and Pedestrian Master Plan

The Marin County Unincorporated Area Bicycle and Pedestrian Master Plan (Plan) was a part of a countywide effort to update all local bicycle and pedestrian master plans. This Plan provides goals, objectives and policy actions that are intended to create a seamless and intuitive network of facilities across jurisdictions. The Plan was most recently updated in 2018. While this Plan includes recommendations that are specific to the unincorporated areas of Marin County, it serves as a coordinating and resource

document for the entire county. The following goals, objectives, and policy actions are applicable to the Project:

Goal 3: Pedestrian Transportation. Encourage walking as a daily form of transportation in Marin County by completing a pedestrian network that services short trips and transit, improving the quality of the pedestrian environment, improving the health of all citizens, and increasing safety, convenience and access opportunities for all users.

- **Objective D: Maintain and improve the quality, operation, and integrity of bikeway and walkway network facilities.**
 - Objective D Policy Actions:
 1. Undertake routine maintenance of bikeway and walkway network facilities, such as sweeping bicycle lanes and sidewalks, as funding and priorities allow.
 2. Ensure that repair and construction of transportation facilities minimizes disruption to the bicycling and walking environment to the extent practical.
 3. Ensure that new bicycle and pedestrian improvements do not have a net negative impact on the environment.
 4. Maximize opportunities to ensure that the pedestrian walkway network is accessible to, and usable by, persons with disabilities.

Environmental Setting

The Project site is located within unincorporated Marin County but also borders the City of Mill Valley along the northern and the western borders of the Project site. The Project site is western adjacent to the US 101 highway.

Land use designations surrounding the site within unincorporated Marin County consist primarily of residential, but also includes open space, community facilities, and commercial uses as shown in **Figure 10**. Zoning designations surrounding the Project site within unincorporated Marin County include residential agriculture. Zoning designations surrounding the Project site within Mill Valley include Community Facilities, Residential and Planned Development designations.

There are three educational facilities located to the north of the Project site along Lomita Drive. Edna Maguire Elementary School and the Bright Horizons EDS Edna Maguire Day Care center exists immediately north of the Project site along Lomita Drive in the City of Mill Valley. The Terra Mandarin preschool and Terra Marin School, both of which are private institutions, are also located to the north of the Project site along Lomita Drive. Additionally, the Horse Hill preserve is located north of the Project site to the west of US 101 Highway. Lomita Drive begins on the eastern boundary of the Project site to the west of US 101 and intersects with East Blithedale Avenue to the south.

Impact Discussion

- a) **Physically divide an established community (including a low-income or minority community)?**
- **No Impact.** The physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community for between communities. The Project would not physically divide an established community. The Project site is in a developed area comprised of primarily residential uses and would not change existing access to roadways or other modes of transportation and would not create a physical barrier. Therefore, no impact would occur.
- 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?**
- **No Impact.** The CWP designates the land use areas surrounding the Project site as single family residential. The Project would not result in the displacement of any residences or businesses, nor would the Project require land use or zoning amendments. Sidewalk improvements associated with the Project would not conflict with the CWP designation or zoning standards. No impact would occur.

12 Mineral Resources

Would the project:	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Regulatory Setting

State

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated Mineral Resource Zones (MRZs) in order to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Local

Marin Countywide Plan

The CWP guides land use and development in the unincorporated areas of Marin County. The CWP was most recently amended in January 2023. The CWP's Policy MIN-1.4, Require Best Available Management Practices, establishes the requirement of utilizing the best available management practices to minimize or avoid nuisances, hazards, or adverse environmental impacts and would be applicable to the Project.

Environmental Setting

According to Map 3-5 of the CWP (2015), the Project is not located within or near a state- or locally designated mineral resource preservation site.⁶⁹ The nearest mineral resource preservation site is the Ring Mountain Preserve, located approximately 1.13 miles east of the Project site as shown in **Figure 11**.

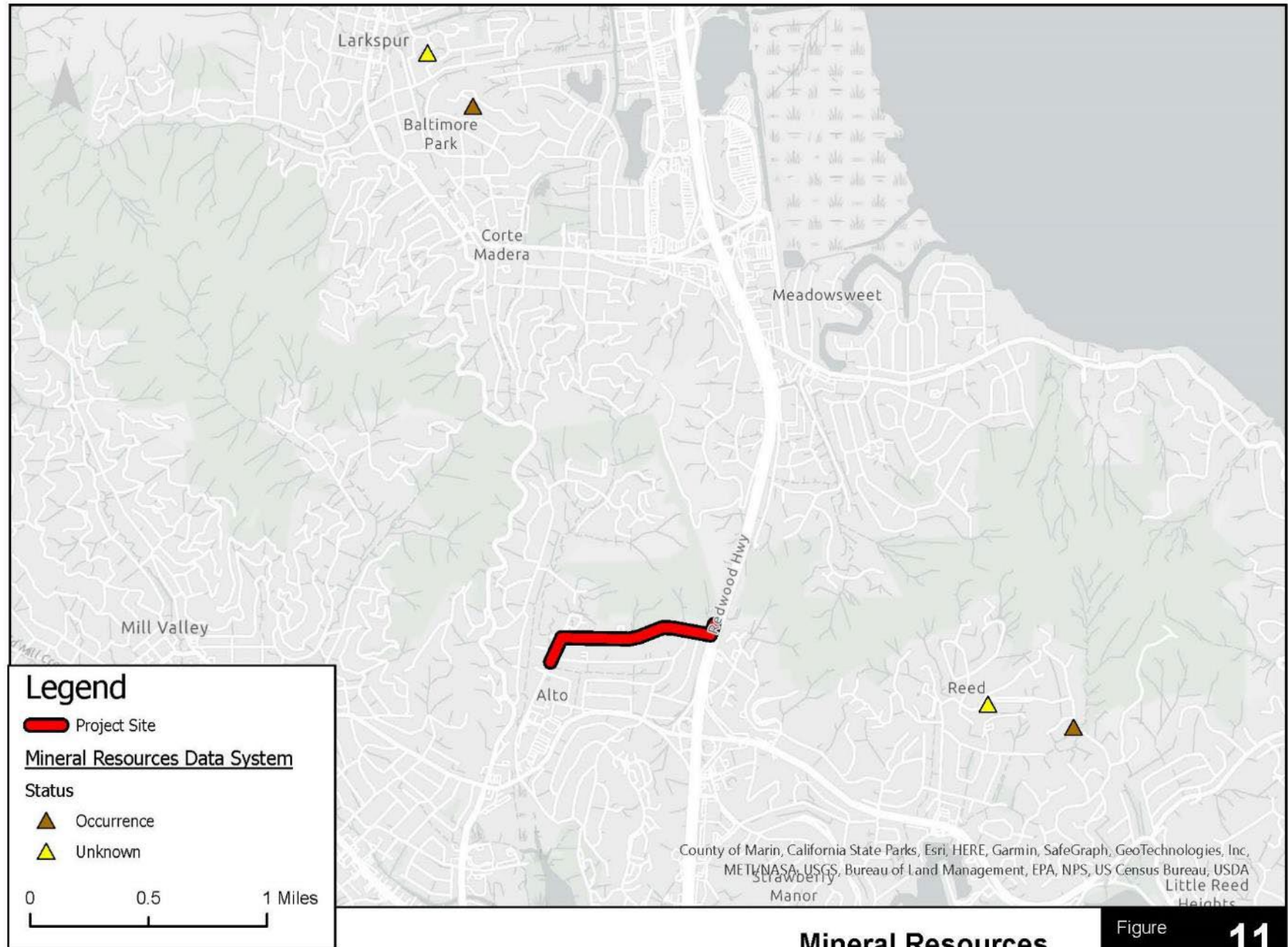
Impact Discussion

- 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?**

OR

- 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?**
- **No Impact.** According to the CWP (2015) map of Mineral Resource Preservation Sites, the Project site is not located on a Designated Mineral Resource Preservation Site or County Permitted Mineral Resource Site. Therefore, no impact would occur, and no mitigation is required.

⁶⁹ Marin County Community Development Agency. 2015. The Built Environment, Section 3.7, Mineral Resources, Map 3-5, Location of Mineral Resource Preservation Sites. Available: https://www.marincounty.org/media/files/departments/cd/planning/currentplanning/publications/county-wide-plan/cwp_2015_update_r.pdf?la=en. Accessed: October 17, 2023



13 Noise

Would the project result in:	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?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Regulatory Setting

Federal

Federal Transit Administration Transit and Noise Vibration Impact Assessment Manual

The Federal Transit Administration (FTA) provides reasonable criteria for assessing construction noise impacts based on the potential for adverse community reaction in

their *Transit and Noise Vibration Impact Assessment Manual*.⁷⁰ For residential uses, the daytime noise threshold is 80 decibels (dBA) equivalent continuous sound level (L_{eq}).

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings founded on the soil near the construction site respond to these vibrations with varying results, ranging from no perceptible effects at the lowest levels, low rumbling sounds and perceptible vibrations at moderate levels, and slight damage at the highest levels.

While ground vibrations from construction activities do not often reach the levels that can damage structures, fragile buildings must receive special consideration. The construction vibration criteria include consideration of the building condition.

The key elements of the Construction Vibration Assessment procedures and recommended workflow are presented in the manual in detail with the following steps:

- Step 1: Determine level of construction vibration assessment;
- Step 2: Use a qualitative construction vibration assessment;
- Step 3: Use a quantitative construction vibration assessment;
- Step 4: Assess construction vibration impact; and
- Step 5: Determine construction vibration mitigation measures

Occupational Health and Safety Administration

The Federal Government regulates occupational noise exposure common in the workplace through the Occupational Safety and Health Administration (OSHA) under the U.S. Environmental Protection Agency (EPA). Noise limitations would apply to the operation of construction equipment and could also apply to operational equipment proposed as part of the Project. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA.

State

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires each county and city to adopt a General Plan that includes a Noise Element prepared per guidelines adopted by the Governor's Office of Land Use and Climate Innovation. The purpose of the Noise

⁷⁰ Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment*. Available: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf. Accessed: October 23, 2023.

Element is to limit the exposure of the community to excessive noise levels. The California Environmental Quality Act (CEQA) requires all known environmental effects of a project be analyzed, including environmental noise impacts.

Caltrans Standard Specifications Section 14-8.02: Noise Control

Noise Monitoring and Avoidance - If work is necessary outside of allowable hours, the contractor(s) would be required to implement a construction noise monitoring program and, if feasible, provide additional avoidance measures as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receptors.

Mufflers - The contractor(s) would be required to equip all internal combustion engine equipment with intake and exhaust mufflers that are in good condition and appropriate for the machines.

No Vehicle Idling - Unnecessary idling of internal combustion engines within 100 feet of residences would be strictly prohibited.

Positioning of Construction Equipment - The contractor(s) would be required to locate stationary noise generating equipment as far as possible from sensitive receptors.

Use of More Quiet Equipment - The contractor(s) would be required to utilize "quiet" air compressors and other "quiet" equipment, where such technology exists.

Noise Construction Plan - The contractor(s) would prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and distribute this plan to adjacent noise-sensitive receptors. The construction plan would also list the construction noise reduction measures listed above, as applicable.

Local

Marin County Municipal Code

Marin County Code Section 6.70.030 limits the generation of loud noises (such as the use of backhoes, generators, and jackhammers) on construction sites adjacent to existing development to the hours between 8:00 AM and 5:00 PM Monday through Friday. Other construction noise is limited by Section 6.70.030 to Monday through Friday 7:00 AM to 6:00 PM, Saturday 9:00 AM to 5:00 PM, and is prohibited on Sundays and holidays.

Environmental Setting

The most prominent source of noise in the Project site vicinity is traffic noise from US 101. The Project is also not located within noise contours of any airport.

Impact Discussion

- 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?**

- **Less than Significant Impact.** The Project would not increase roadway volumes or introduce any new permanent noise sources; therefore, the Project would not result in a permanent noise increase. While the Project would temporarily increase noise levels, affecting the adjacent schools and residences during construction, the County will coordinate construction scheduling with the schools.

Therefore, the Project would not generate substantial noise during construction. For these reasons, the Project would have no impact, and no additional measures are necessary.

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

- **Less than Significant Impact.** Operation of the Project would not include any substantial vibration sources. Thus, construction activities have the greatest potential to generate ground-borne vibration affecting nearby receivers, especially during paving of the at-grade parking of the Project site. Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted by the Project. The greatest anticipated source of vibration during general Project construction activities would be from vibratory roller, which uses strong vibrations to compact soil and asphalt and are commonly used in roadway construction and repair projects. A vibratory roller would create approximately 0.210 in/sec Peak Particle Velocity (PPV) at 25 feet. The vibration level created by a dozer at 50 feet would be 0.098 in/sec PPV. Construction vibration at a distance of 70 feet would be less. Based on FTA recommendations, limiting vibration levels to below 0.3 in/sec PPV at nearby light industrial/commercial structures would prevent architectural damage. These limits are applicable regardless of the frequency of the source. Therefore, vibration from construction activity would be lower than the threshold of 0.3 in/sec PPV for light industrial/commercial buildings. This impact would be less than significant, and no mitigation is required.

- 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?**

- **No Impact.** The nearest airport is the San Rafael/Marin Ranch airport, a small private airport located approximately 7.5 miles north of the Project site. The Metropolitan Oakland International Airport is located approximately 23 miles to

the southeast of the Project site and the San Francisco International Airport is located approximately 24 miles to the southwest of the Project site. According to the Oakland International Airport Land Use Compatibility Plan, the Project is not located within noise contours of any airport. Therefore, the Project would not expose people working in the Project area to excessive aircraft overflight noise levels and no impact would occur.

14 Population and Housing

Would the project:	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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Regulatory Setting

Regional

Plan Bay Area 2050⁷¹

Plan Bay Area 2050 is a long-range transportation, land-use, and housing plan intended to support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and greenhouse gas (GHG) emissions in the Bay Area. Plan Bay Area 2050 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, the Metropolitan Transportation Commission (MTC), and local jurisdiction planning staff created the Regional Forecast of Jobs,

⁷¹ Metropolitan Transportation Commission. 2023. *Plan Bay Area 2050*. Available: <https://mtc.ca.gov/planning/long-range-planning/plan-bay-area-2050>. Accessed: July 7, 2023.

Population, and Housing, which is an integrated land use and transportation plan through the year 2040 upon which Plan Bay Area 2040 is based.

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was amended in January 2023. The Plan's Goal CD-5, Effective Growth Management, establishes the goal of managing growth so that transportation, water, sewer, wastewater facilities, fire protection, and other infrastructure components remain adequate with continued population growth in the county.

Environmental Setting

According to the U.S. Census Bureau data, Marin County had a population of approximately 256,018 as of July 2022.⁷² ABAG predicts that the number of households in the county will grow and will increase to about 111,585 households by 2040. The county currently has more residents than jobs and ABAG estimates that there will be 134,960 total jobs in the County by 2040.⁷³

Existing land uses are often used as the basis for growth projections within cities and regions. Growth projections include predictions of future population, employees, and housing units over time. The construction of large employment centers can induce population growth by enticing new employees to move from other locales. Population growth can also be induced through the creation of large housing developments. In either case, rapid growth can disturb the job-housing balance of a city to create an imbalance and produce environmental impacts by increasing demand for services and infrastructure.

The county's growth is planned for through the CWP, and through the Plan Bay Area 2050, a long-range regional plan that identifies land-use strategies to enable more economically sustainable growth and development.

⁷² United States Census Bureau, 2022. *Quick Facts, Marin County*. Available: <https://www.census.gov/quickfacts/fact/table/marincountycalifornia,US/PST045222>. Accessed: October 17, 2023.

⁷³ Association of Bay Area Governments. 2018. *Plan Bay Area Projections 2040*. Available: https://mtc.ca.gov/sites/default/files/Projections_2040-ABAG-MTC-web.pdf. Accessed: July 18, 2023

Impact Discussion

- 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)?**
 - **No Impact.** The Project would not change the existing roadway capacity, nor would it introduce new permanent residents or employees to the area. Therefore, no impact would occur, and no mitigation is required.
- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**
 - **No Impact.** While there are residential uses surrounding the Project site, the Project would not include the removal of structures or housing units which would temporarily or permanently displace people or housing units. Therefore, no impact would occur, and no mitigation is required.

15 Public Services

Would the project:	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?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities including roads?	☐	☐	☒	☐

Regulatory Setting

Local

Marin Countywide Plan- Built Environment Element

CD-5.a Review and Correlate Countywide Growth and Infrastructure. Work with the proposed City-County Committee or a similar collaborative venue (to be established

pursuant to Program CD-4.f) to review countywide growth, planned land use, and traffic and service capacity. As warranted by the monitoring information, encourage all jurisdictions to amend their respective general plans and zoning from allowing “theoretical full build-out” of nonresidential uses to allowing “realistic build-out” to ensure correlation of planned land uses with traffic capacity and the capacity of all Essential public services.

PS-3b. Maintain Adequate Response Resources. Identify the need for and maintain adequate staffing levels, equipment, and resources, and undertake disaster preparedness training as necessary to provide essential emergency public services.

Environmental Setting

Local

Fire protection

Fire protection services for the Project site are provided by the Marin County Fire Department which has 48 fire stations. The closest fire station to the Project site is Fire Station 7, located at 1 Hamilton Drive approximately 1.47 miles southeast of the Project site as shown in **Figure 12**.

Police protection

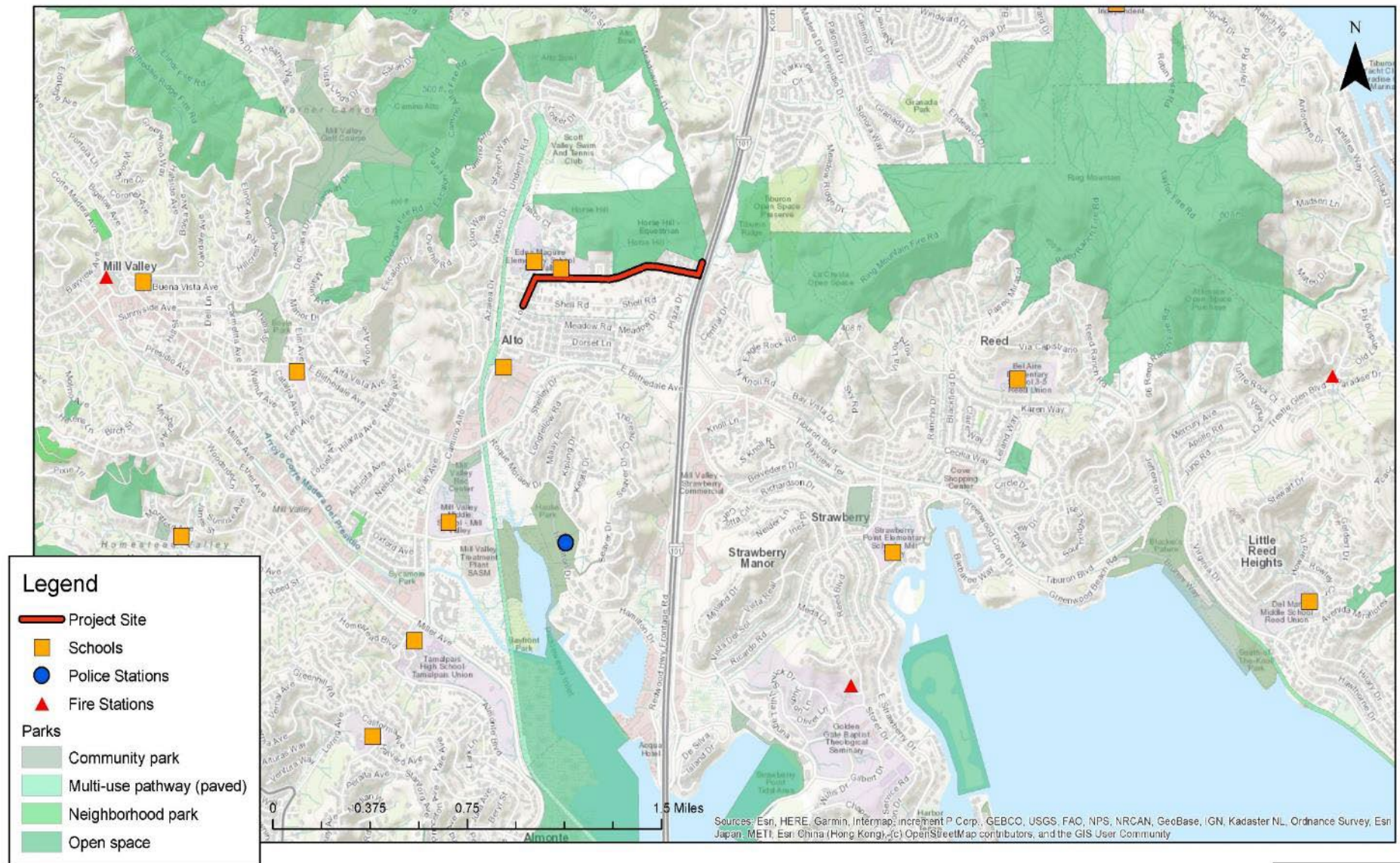
Police service to the Project site is provided by the Marin County Sheriff’s Department which operates from its headquarters at 1600 Los Gatos Drive, approximately 8 miles north from the Project site. The Marin County Sheriff’s Office is divided into three major bureaus: Administrative and Support Services, Detention Services, and Field Services, in addition to operating the countywide Major Crime Task Force. The Marin County Sheriff’s Office has 202 sworn officers, 112 support personnel, and a varying number of part-time or per diem employees, volunteers and Police Reserves. The locations of nearby sheriff office substations are included in **Figure 12**.

Schools and Parks

Marin County Parks provides parks and recreational services in the county. The department is responsible for maintaining and programming approximately 376 parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the County recreation facilities include community parks, mini-parks, neighborhood parks, open spaces, school playgrounds, and state parks. The closest recreational facility to the Project site is Horse Hill Open Space, adjacent to the Project site to the north.

The Project site is within the Tamalpais High School District and the Mill Valley Elementary School District. The closest schools to the Project site are Terra Marin Elementary School and Edna Maguire Elementary School, both located adjacent to the Project site to the north as shown in **Figure 12**

Marin Lomita Drive Project



Impact Discussion

- 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?**

- **Less than Significant Impact.** As described above, fire protection is currently provided by the Marin County Fire Department. Implementation of the Project would not create an incremental increase in demand for fire services. In addition, the Project would be constructed in accordance with current fire codes, including those specifying emergency vehicle access and reduction of fire hazards and would pay fees for the expansion of fire services. Therefore, this impact would be less than significant, and no mitigation is required.

ii) **Police protection?**

- **Less than Significant Impact.** As described above, police protection is currently provided by the Marin County Sheriff's Department. Implementation of the Project would not create an incremental increase in demand for police services. Therefore, this impact would be less than significant, and no mitigation is required.

iii) **Schools?**

- **Less than Significant Impact.** As previously mentioned, the Project site is within the Tamalpais High School District and the Mill Valley Elementary School District. The closest schools to the Project site are Terra Marin Elementary School and Edna Maguire Elementary School, both located adjacent to the Project site to the north. The County will coordinate construction scheduling with the schools. The Project would require lane closures and short duration road closures will be implemented during construction. Therefore, the Project would not have a significant impact on school facilities in the County, and no mitigation is required.

iv) **Parks?**

- **Less than Significant Impact.** As previously mentioned, the closest recreational facility to the Project site is Horse Hill Open Space, located adjacent to the Project site to the north. Access to the open space will be affected during time of construction but will resume to regular access time once construction is complete and no permanent impacts will affect the open space. Therefore, the Project

would not have a significant impact on the recreational facilities and no mitigation is required.

v) Other public facilities including roads?

- **Less than Significant Impact.** Open space and other public facilities such as libraries are typically provided to serve residents within the County. Project implementation would not increase demand for other public facilities. As previously mentioned, the Project would require lane closures and short duration road closures will be implemented during construction. All proposed lane closures will adhere to the County code. Therefore, the Project would not have a significant impact on the recreational facilities and no mitigation is required.

16 Recreation

Would the project:	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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Regulatory Setting

Local

Marin County Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was amended in January 2023. The CWP's Goal PK-1, A High-Quality Parks and Recreation System, establishes the goal of providing park and recreational facilities and programs that meet the various needs of all county residents.

Environmental Setting

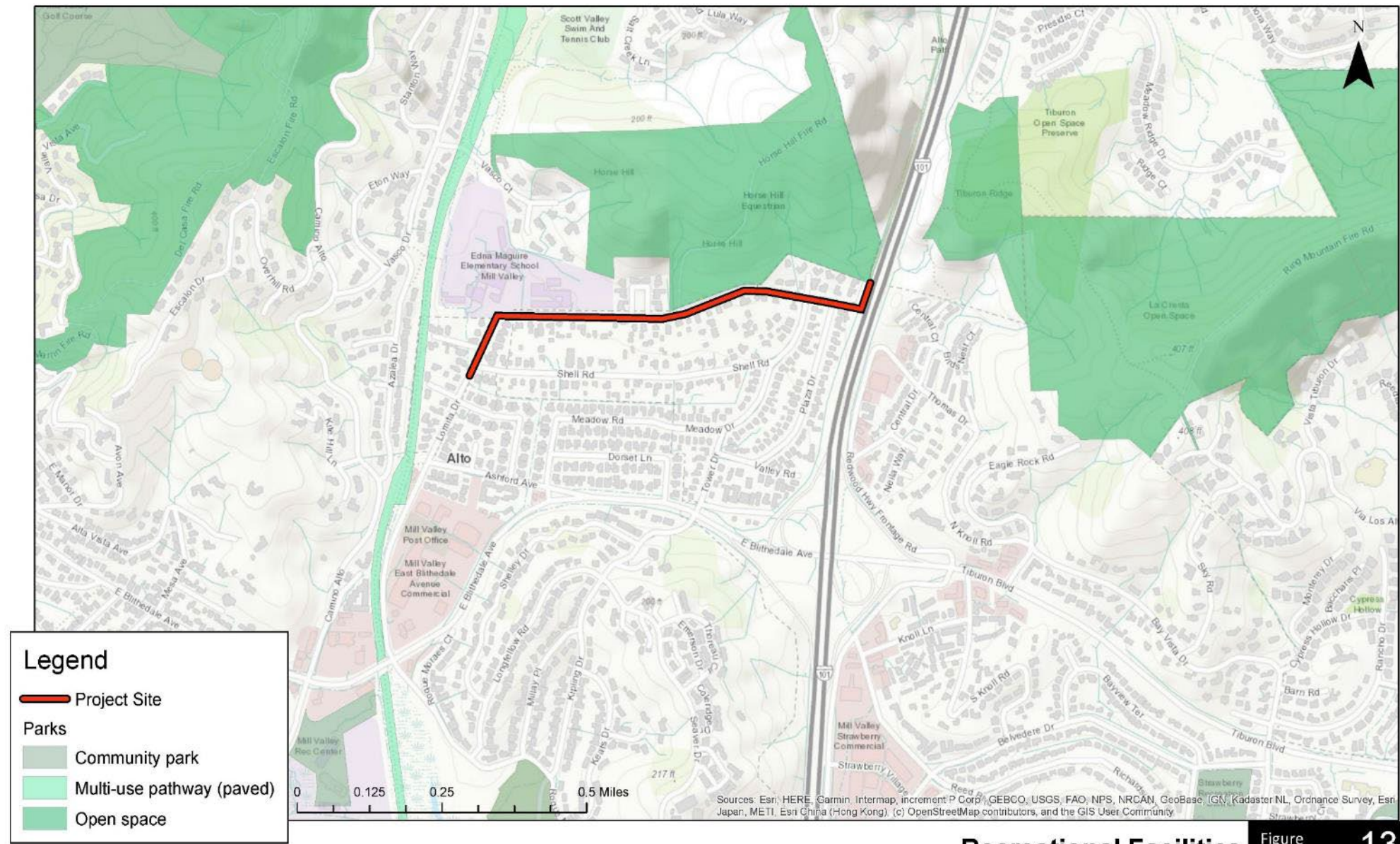
As discussed under **Section 15, Public Services**, Marin County Parks provides park and recreational services in the county. The department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the county.

According to the department's website, it maintains 32 open space areas and 30 parks

and pathways throughout the entire county.⁷⁴ The closest open space preserve is the Horse Hill preserve which is located directly adjacent to the northern boundary of the Project site and provides opportunities for hiking, biking, and horseback riding. The nearest general use public park to the Project site is Bayfront Park, located approximately 0.64-miles south of the Project site and is located in the City of Mill Valley as shown in in **Figure 13**. Effects to park and recreation resources are typically correlated to increases in population from the addition of residential uses.

⁷⁴ Marin County Parks. 2021. Location List & Maps. Retrieved from: <https://www.parks.marincounty.org/parkspreserves/location-list>. Accessed: October 17, 2023

Marin Lomita Drive Project



Source: Marin County GIS Open Data Portal 2023

Impact Discussion

- 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?**

OR

- 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?**

- **No Impact.** The Project does not include the addition of any residential uses, nor does it propose the addition of structures that could permanently increase the number of permanent residents or employees to the surrounding community. Therefore, the Project is not anticipated to increase the use of existing neighborhood and regional parks beyond current conditions. Furthermore, the Project does not require the construction or expansion of recreational facilities. Therefore, the Project will not impact on existing parks and other recreational facilities in the County and no mitigation would be required.

17 Transportation

Would the project:	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?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

Regulatory Setting

State

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from Federal, State, regional, and local sources through 2050.

Senate Bill 743

Senate Bill (SB) 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor’s Office of Planning and Research (OPR), now known as the Governor’s Office of Land Use and Climate Innovation, approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020.

Local

Marin Countywide Plan Measure A

The Built Environment Element of the Marin Countywide Plan has the goal of Measure A to improve transportation and mobility for all Marin County residents and workers by providing a variety of high-quality transportation improvements and transit options designed to meet local needs. This includes expanding bus service, completing the US 101 high-occupancy vehicle (HOV) lane through San Rafael, providing roadway improvements, and ensuring safer access to schools.

The four key strategies of Measure A to reducing congestion and improving transportation in Marin:

- Develop a seamless local bus system that serves community needs, including special services for seniors and those with disabilities
- Fully fund and accelerate completion of the US 101 HOV Lane Gap Closure project through San Rafael
- Improve, maintain, and manage Marin’s local transportation infrastructure, including roads, bikeways, pathways, and sidewalks
- Reduce school-related congestion and improve safe access to schools

Congestion Management Plan

The Congestion Management Program (CMP) addresses existing and future transportation problems in Marin by developing a process to determine the impacts of local development decisions on the regional transportation network. A seven-year investment strategy (Capital Improvement Program [CIP]) is developed and updated every two years in order to promote the goals of the CMP. The CMP will ultimately be incorporated into the Regional Transportation Plan (RTP), and all projects in the CIP must be consistent. However, while improvements may ease congestion at a specific location, added vehicles passing through the system can increase congestion elsewhere.

Marin County Unincorporated Climate Action Plan

The Marin County Unincorporated Area Climate Action Plan 2030 (Marin CAP) outlines the County's path towards reducing local greenhouse gas emissions and other air pollutants through the year 2030. The Marin CAP was originally adopted in December 2020 and most recently updated in January 2024 and includes goals and strategies to reduce GHG emissions and improve air quality. The following goals and strategies are applicable to the Project:

Low Carbon Transportation Actions

- **LCT-C3: Walking.** Encourage walking as an alternative to vehicle use.
- **LCT-M2: Low Carbon Fuels.** Continue to use low-carbon fuel such as renewable diesel as a transition fuel in the County's fleet and encourage the County's service providers and joint powers agencies to do the same until vehicles are replaced with zero emission vehicles.

Environmental Setting

Regional Access

Regional access to the Project site is provided by US 101, located east of the Project site. US 101 is a north-south freeway which extends from Los Angeles County, California to Thurston County, Washington. Primary access to and from State Route (SR) 237 is provided via Casa Buena Drive to the north and Blithedale Avenue that turns into Tiburon Boulevard, crossing over US 101 to the south of the Project site.

Local Access

The Project site is accessed from multiple roadways connected to the arterial roadway of Tiburon Boulevard that turns into East Blithedale Avenue.⁷⁵ Residential roads of Ashford Avenue, Somerset Lane, Tower Drive, Plaza Drive, Meadow Drive, and Shell Road provide access to Lomita Drive.

Impact Discussion

- a) **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**
 - **Less than Significant Impact.** During construction, there would be temporary, minor traffic delays as a result of construction activities and traffic control.

⁷⁵ Simulation pipeline for traffic evacuation in urban areas and emergency traffic management policy improvements through case studies Available: https://www.researchgate.net/figure/The-maps-of-Paradise-and-Mill-Valley-Arterial-roads-are-shown-in-black-residential_fig1_346040195. Accessed: October, 2023

However, minor traffic delays would cease upon Project completion. Construction workers and vehicles would enter and exit the Project site from surrounding roadways during the construction period. However, construction-related trips represent a negligible traffic increase that would cease after construction and would not permanently impact traffic circulation in the area. This sidewalk Project does not include permanent modifications that would interfere with adopted transit policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. This impact would be less than significant.

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

- **Less than Significant Impact.** CEQA Guidelines Section 15064.3 describes specific thresholds for evaluating a project's transportation impacts. Generally, VMT is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Technical Advisory on Evaluating Transportation Impacts in CEQA, issued by the OPR in December 2018, recommends screening threshold to quickly identify projects with less – than-significant impacts without conducting detailed studies.⁷⁶ Projects that generate fewer than 110 new vehicle trips per day are assumed to cause a less-than-significant under this threshold. Therefore, the Project is expected to cause a less-than-significant impact.

As discussed above, construction-related traffic would represent a negligible traffic increase, which would cease after construction ends. The Project would build approximately 450 feet of new sidewalk without increasing capacity, and it would not result in land uses or facilities, such as residences, offices, or public parks, which would generate automobile trips. Sidewalk construction projects that do not add additional motor capacity are not likely to lead to substantial or measurable increase in VMT and therefore do not require an induced travel analysis. Because the Project would not lead to increased VMT during operation, it would not conflict with CEQA Guidelines section 15064.3(b). This impact would be less than significant.

- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**
- **No Impact.** The Project does not include any changes to local streets, intersections, or involve incompatible land uses. Access to the Project site would

⁷⁶ California Office of Planning and Research (OPR). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available at: https://ci.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed: February 2025.

continue to be provided via East Blithedale Avenue. There would be no reconfiguring of nearby streets such as Shell Road, Plaza Drive, Tower Drive, Ashford Avenue, or Somerset Lane. As such, the Project would not introduce or increase hazards to design features. No impact would occur.

d) Result in inadequate emergency access?

- **Less than Significant Impact.** According to the Marin County Department of Public Works, residents that may be potentially impacted from Project construction have received notifications of the upcoming Project. They will receive more notices as the Project progresses. The County will coordinate construction scheduling with the school. The Project would require lane closures and short duration road closures will be implemented during construction.⁷⁷ Project construction could result in a minor increase in emergency vehicle response time. However, this represents a negligible effect that would cease after construction and would not permanently affect emergency response times in the area.

As discussed in **Section 9, Hazards and Hazardous Materials**, the Project would not interfere with the Marin Operational Area Emergency Operations Plan insofar as it would not interfere with Emergency Operations Center staff operations in the event of an emergency. This impact would be less than significant.

⁷⁷ Marin County Public Works. Lomita Drive Road Rehabilitation. Available: <https://publicworks.marincounty.org/lomita-drive-road-rehabilitation/> Accessed: October 2023

18 Tribal Cultural Resources

Would the project:	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)?	☐	☒	☐	☐

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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. | ☐ | ☒ | ☐ | ☐ |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Regulatory Setting

State

Assembly Bill 52

California Assembly Bill (AB) 52 , effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notification of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
- Included or determined to be eligible for inclusion in the California Register of Historic Resources (CRHR), or
- Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC, §5024.1(c). In applying the aforesaid criteria, the lead agency shall consider the significance of the resource to a California Native American tribe (PRC, §21074[a]). Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on Non-Federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establishes the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains, the Most Likely Descendent. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

California Native American Historical, Cultural, and Sacred Sites Act

Section 5097.9 – 5097.991 of the Public Resource Code (the California Native American Historical, Cultural, and Sacred Sites Act) applies to both State and private lands, providing protection to Native American historical and cultural resources, and sacred sites, and identifies the powers and duties of the NAHC. The act requires that upon discovery of human remains, construction or excavation activity must cease, and the county coroner be notified.

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was most recently amended in January 2023. The CWP's Implementing Program EH-1B.c, Promote Awareness of Risks to Historic Resources, seeks to educate community members about the climate risks to historic, cultural, and tribal cultural resources and the need to safeguard those resources in partnership with tribal nations and community-based organizations. Furthermore, the CWP establishes goals such as Goal HAR-1, Historical Resource Protection, which aims to identify and protect archeological and historic resources as major contributors to quality of life and community vitality in Marin. The CWP supports this goal by prescribing policies such as HAR-1.3, Avoid Impacts to Historical and Archaeological Resources, which aims to ensure that human activity avoids damaging cultural resources whenever feasible.

Environmental Setting

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for

listing, in the national, State, or local register of historical resources. Additionally, a tribal cultural resource may be a resource that the lead agency determines, in its discretion, is a tribal cultural resource. Cultural resources are generally defined as traces of human occupation and activity that include pre-contact and historic archaeological sites, districts, and objects; standing historic structures buildings, districts, and objects; and locations of important historic events of sites of traditional and/or cultural importance to various groups. Tribal cultural resources signify the intent to protect resources specifically of cultural value to a tribe. Specifically, the following criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 protect historical resources:

(c) A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places (NRHP) criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (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.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

As discussed in **Section 5, Cultural Resources**, results of the Northwest Information Center (NWIC) search identified 11 pre-contact archaeological sites in the vicinity of the Project, two of which are pre-contact archaeological sites located within the Project site. In response to these two pre-contact archaeological sites being identified in the Project site, InContext, the archaeological consulting firm that prepared a Cultural Resources Study and Archaeological Monitoring and Treatment Plan for the Project, submitted a Request for Information to the Federated Indians of Graton Rancheria (FIGR). InContext participated in follow-up conversations with FIGR on August 22 and August 25, 2022. During these discussions, FIGR confirmed the Project site and areas surrounding the Project were traditionally occupied by Coast Miwok tribe who are now represented, in part, by FIGR.

AB 52 consultation letters were sent to FIGR and the Lone Band of Miwok Indians on August 18, 2023, from Marin County. The County also sent a notification letter to the Coast Miwok Tribal Council of Marin on August 18, 2023, as part of tribal outreach; as their organization is not listed by the NAHC as a California Native American Tribe, no formal AB 52 consultation was conducted with the Coast Miwok Tribal Council of Marin. On February 27, 2024, the County sent a Draft Archaeological Monitoring & Treatment Plan, prepared by InContext, to FIGR for their review prior to the plan's finalization. On January 27, 2025, the County contacted FIGR again with a request to meet to discuss the proposed Cultural Resource and Tribal Cultural Resource mitigation measures for the Project.

FIGR responded to the County's request on February 19, 2025 and FIGR representatives and County staff met on March 17, 2025 to discuss the Project. During the meeting, FIGR requested that, if feasible, geotechnical drilling be conducted within the vicinity of the archaeological sites identified within the Project area, as discussed in **Section 5, Cultural Resources** above, prior to the start of Project construction to help inform the Project design within those locations. FIGR also requested archaeological and tribal monitoring during all Project-related ground disturbances due to the archaeological sensitivity of the Project area. Consultation with FIGR is ongoing and they will remain involved throughout the duration of the Project. To date, none of the other contacted tribal organizations have raised concerns regarding the potential for undiscovered Native American resources.

Impact Discussion

- 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)?**

OR

- 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.**
- **Less than Significant with Mitigation.** The NWIC search conducted for this Project indicated that there were two pre-contact archaeological sites within the Project site and 11 pre-contact archaeological sites within 0.5 miles of the Project site. The presence of these pre-contact archaeological sites combined with the anticipated depths of ground-disturbing activities indicate that the Project has a high potential to impact archaeological resources.

AB 52 consultation letters were sent to FIGR and the Lone Band of Miwok Indians on August 18, 2023, from Marin County. The County also sent a notification letter to the Coast Miwok Tribal Council of Marin on August 18, 2023, as part of tribal outreach. On February 27, 2024, the County sent a Draft Archaeological Monitoring & Treatment Plan, prepared by InContext, to FIGR for their review prior to the plan's finalization. On January 27, 2025, the County contacted FIGR

again with a request to meet to discuss the proposed Cultural Resource and Tribal Cultural Resources mitigation measures for the Project.

FIGR responded to the County's request on February 19, 2025 and FIGR representatives and County staff meet on March 17, 2025 to discuss the Project. During the meeting, FIGR requested that, if feasible, geotechnical drilling be conducted within the vicinity of the archaeological sites identified within the Project area, as discussed in **Section 5, Cultural Resources** above, prior to the start of Project construction to help inform the Project design within those locations. FIGR also requested archaeological and tribal monitoring during all Project-related ground disturbances due to the archaeological sensitivity of the Project area, a requirement that is included as part of **Mitigation Measure CUL-1: Archaeological and Tribal Monitoring**. As discussed above and in **Section 5, Cultural Resources**, the Project is highly likely to significantly impact archaeological resources, including resources significant to a California Native American Tribe, as the Project limits are sensitive for the presence of significant pre-contact and protohistoric archaeological resources that would qualify for listing in the NRHP or the CRHR and the depths of ground disturbance throughout the Project limits increase the likelihood that significant archaeological resources will be inadvertently discovered.

The potential to encounter intact buried Tribal Cultural Resources represents a potentially significant impact, which is reduced to a less-than-significant level with implementation of **Mitigation Measure TCR-1: Geotechnical Drilling Investigation** as well as **Mitigation Measure CUL-1: Archaeological and Tribal Monitoring** and **Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources**.

Mitigation Measure TCR-1: Geotechnical Drilling Investigation

Due to the potential for intact buried pre-contact deposits to occur within the Project area, the County will conduct geotechnical drilling within the delineated boundaries of the archaeological sites identified within the Project limits where excavations are proposed to extend beyond the depth of the road section. The drilling will be conducted prior to the start of construction at those locations to help inform the Project design where deeper excavations may impact cultural and tribal cultural resources. The testing will be monitored by a qualified archaeologist and a FIGR tribal representative.

19 Utilities and Service Systems

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

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

Regulatory Setting

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt a Urban Water Management Plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The County adopted its most recent UWMP in 2020.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans (IWMP), and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was amended in January 2023. The CWP's Goal PFS-1, Adequate Public Facilities and Services, establishes the goal of providing basic public facilities to accommodate the level of development planned by cities and towns in the county.

Marin County Unincorporated Area Climate Action Plan 2030

The Marin CAP outlines the County's path towards reducing local greenhouse gas emissions and other air pollutants through the year 2030. The Marin CAP was originally adopted in December 2020 and most recently updated in January 2024 and includes goals and strategies focused on reducing the generation of solid waste as a means of reducing GHG emissions. The following goals and strategies are applicable to the Project:

Waste Reduction Actions

- **WR-C3: Construction & Demolition Debris and Self-Haul Waste. 1).**
Require all loads of construction & demolition debris and self-haul waste to be processed for recovery of materials as feasible.

Environmental Setting

Potable Water

The County provides potable water service through Marin Municipal Water District (MMWD) which would serve the Project site on a temporary basis for construction activities. MMWD's water and utilities system covers approximately 147 square miles and serves a population of 190,000 customers through 61,800 active service connections and 886 miles of water mains.⁷⁸ MMWD's water system produced an average of 20.8 million gallons per day in May 2023, and has 74.9 million gallons of water storage capacity.⁷⁹ The majority of MMWD's potable water supply, approximately 75 percent, originates from rainfall on Mt. Tamalpais and in the hills in the western portion of the County. MMWD also supplements its supply from the Sonoma County Water Agency, with water sourced from the Russian River system in Sonoma County. Approximately 2.7 percent of the districts' water use is composed of recycled water, which is discussed further below.

⁷⁸ Marin Municipal Water District. 2021. *Urban Water Management Plan*. Available: <https://www.marinwater.org/sites/default/files/2020-09/Water%20Resources%20Plan%202040.pdf>. Accessed: October 17, 2023.

⁷⁹ Marin Municipal Water District. 2023. *Water Usage*. Available: <https://www.marinwater.org/CustomerUsage>. Accessed: October 17, 2023.

Recycled Water

Recycled water within the county is supplied through partnership with the Las Gallinas Valley Sanitary District and the Las Gallinas Recycled Water Treatment Facility. Recycled water from the plant is delivered to county residents through 333 service connections.⁸⁰ The County utilizes recycled water in order to offset and conserve use of potable water countywide. Recycled water is primarily used for irrigation within the county; however, several alternative uses for recycled water have been utilized in the county which include industrial processes, golf course irrigation, or for flushing toilets in dual-plumbed buildings.⁸¹

Wastewater

The Project site is located within the Sewerage Agency of Southern Marin (SASM) district which is responsible for the construction and installation of wastewater collection, treatment, reclamation, and disposal facilities as well as maintaining these standards. Wastewater in this district, which is comprised of areas including Almonte, Alto, Richardson's Bay sanitary districts, Tamalpais Valley Community Services District, and the City of Mill Valley, is collected and treated at the SASM Treatment Plant located approximately 0.5 miles south of the Project site. The SASM Treatment Plant has capacity to treat 25 million gallons per day, and as much as 30 million gallons can flow into the facilities under heavy rain conditions.⁸²

Solid Waste

Solid waste collection and recycling services are provided by Mill Valley Refuse Service through a contract with the County. The only active landfill within the county is the Redwood Landfill and Recycling Center, located north of Novato, which provides disposal capacity for the county. In order to supplement the diversion of solid waste from landfills, the County has also established Zero Waste Marin which represents the County and eleven incorporated cities. Zero Waste Marin manages products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them. In order to minimize waste generated through construction and demolition, Zero Waste Marin has established a list of Certified Construction & Demolition Facilities that achieve a greater than 65 percent diversion rate.

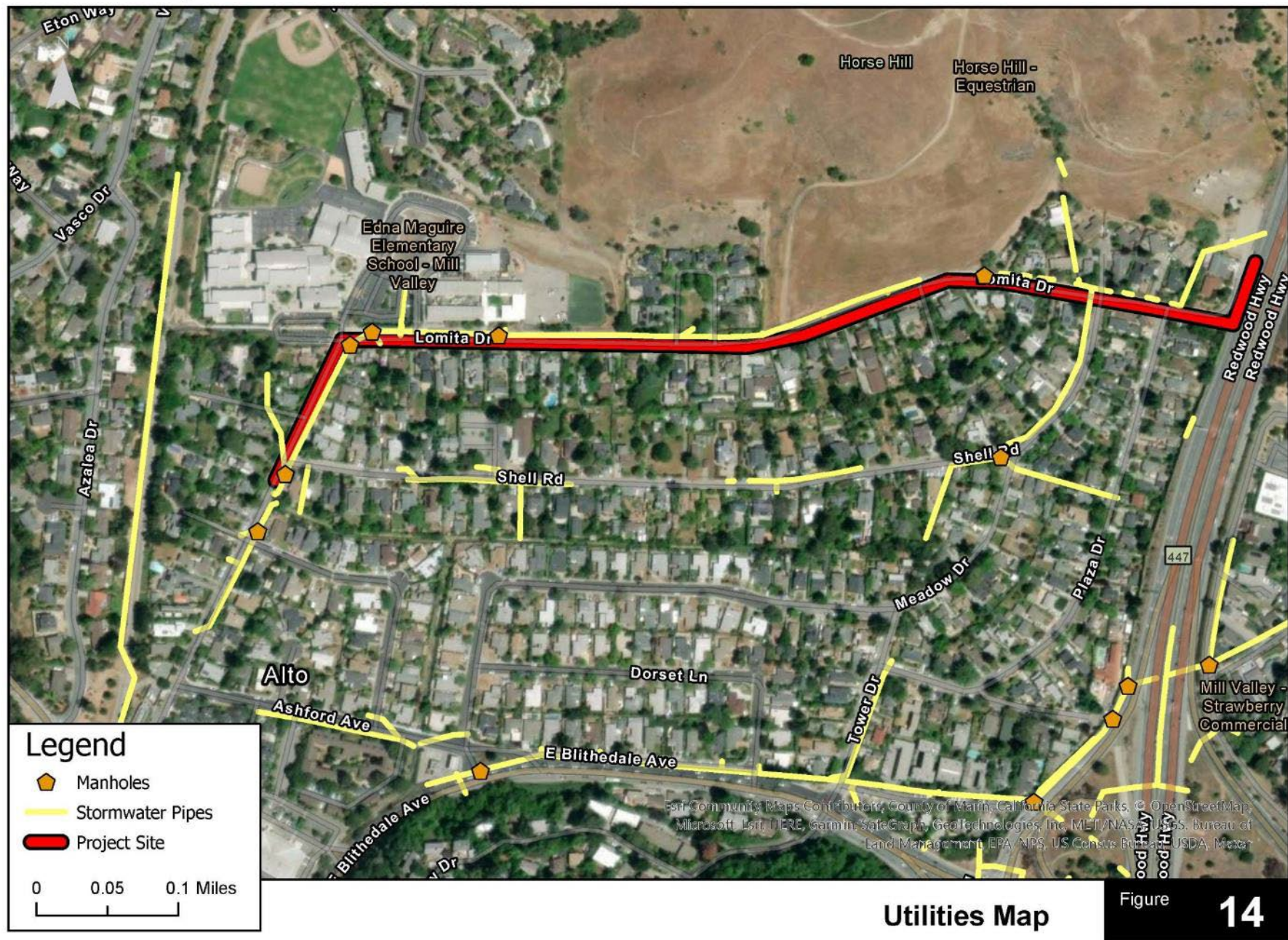
⁸⁰ Marin Municipal Water District. 2021. *Urban Water Management Plan*. Available: <https://www.marinwater.org/sites/default/files/2020-09/Water%20Resources%20Plan%202040.pdf>. Accessed: October 17, 2023.

⁸¹ Marin Municipal Water District. 2021. *Urban Water Management Plan*. Available: <https://www.marinwater.org/sites/default/files/2020-09/Water%20Resources%20Plan%202040.pdf>. Accessed: October 17, 2023.

⁸² Sewerage Agency of Southern Marin. *SASM and the Environment*. Available: <https://www.millvalleylibrary.org/703/SASM-and-the-Environment>. Accessed: October 18, 2023.

Natural Gas and Electricity Services

Electric and gas services within the County are provided by the Pacific Gas and Electric Company (PG&E). No new generation peak capacity is necessary to meet the capacity requirements of new construction.



Source: Marin County

Impact Discussion

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?**

- **Less than Significant Impact.** The Project does not include uses that would increase demand for expanded utility services. During construction, existing electric and gas lines would be relocated within the Project site. Because these relocations would occur within the Project footprint in areas already being used by these utilities and is accounted for in this analysis, no additional environmental effects are anticipated. This impact would be less than significant, and no mitigation is required.

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

- **Less than Significant Impact.** Project operation would not require water supply because the replacement bridge does not require water use. Project construction would temporarily require water for activities such as dust management and vehicle cleaning, but this water demand would end after the construction period and would be negligible in the context of regional water supply. This impact would be less than significant.

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?**

- **No Impact.** The Project does not include residential, industrial, or commercial elements that would generate wastewater. Therefore, the Project would not require new or expanded wastewater facilities, and no mitigation is required.

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?**

AND

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

- **Less than Significant Impact.** Operation of the Project would not generate solid waste because the proposed improvements would not generate activity that would require solid waste disposal. However, Project construction would require disposal of demolition debris generated by construction activities associated with

the Project. The Project would be required to comply with applicable County and State regulations regarding diversion of waste from landfill, including the CalGreen (Title 24) requirement to recycle 65 percent of construction and demolition waste. Solid waste generated by Project construction would not result in exceedance of the permitted throughput capacity or long-term capacity of these facilities. Considering the solid waste from construction of the Project represents a small proportion of remaining landfill capacity at local landfills, there is adequate existing landfill capacity to dispose of construction waste. This impact would be less than significant, and no mitigation is required.

20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐

Regulatory Setting

State

Fire Hazard Severity Zones

The California Department of Forestry and Fire Protection (CAL FIRE) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Fire hazard severity zone (FHSZ) maps influence how people construct⁸³ FHSZs are divided into areas where the State has financial responsibility for wildland fire protection, known as State responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark,

⁸³ CAL FIRE. *Fire Hazard Severity Zones Maps*. Available: <https://osfm.fire.ca.gov/fire-hazard-severity-zones-maps-2022/>. Accessed: July 3, 2023.

- fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. The Marin County Fire Department has developed a strategic fire management plan for the Marin County Unit, which covers the Project site and addresses citizen and firefighter safety, watersheds and water, timber, and biodiversity, fire environment, risk assessment approach, emergency situation modeling, pre-fire management strategies, and air quality.⁸⁴ The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Regional

CAL FIRE identifies fire hazards based on relevant factors such as fuels, terrain, and weather. Additionally, areas designated as an LRA have the authority to expand the areas designated as FHSZ. The County has designated Moderate, High and Very High FHSZ's within the unincorporated areas of the County.

Local

Marin Countywide Plan

The Marin Countywide Plan (CWP) is the comprehensive long-range general plan that guides land use and development in the unincorporated areas of Marin County. The CWP was amended in January 2023. The CWP's Goal EH-4, Safety from Wildfire, establishes the goal of protecting people and property from hazards associated with

⁸⁴ Marin County Fire Department (MCFD). 2022. *Marin County Unit Strategic Fire Plan & Community Wildfire Protection Plan*. May 6, 2022. Available at <https://osfm.fire.ca.gov/media/gkvdobdi/2022-marin-county-unit-fire-plan.pdf>. Accessed: September 2023.

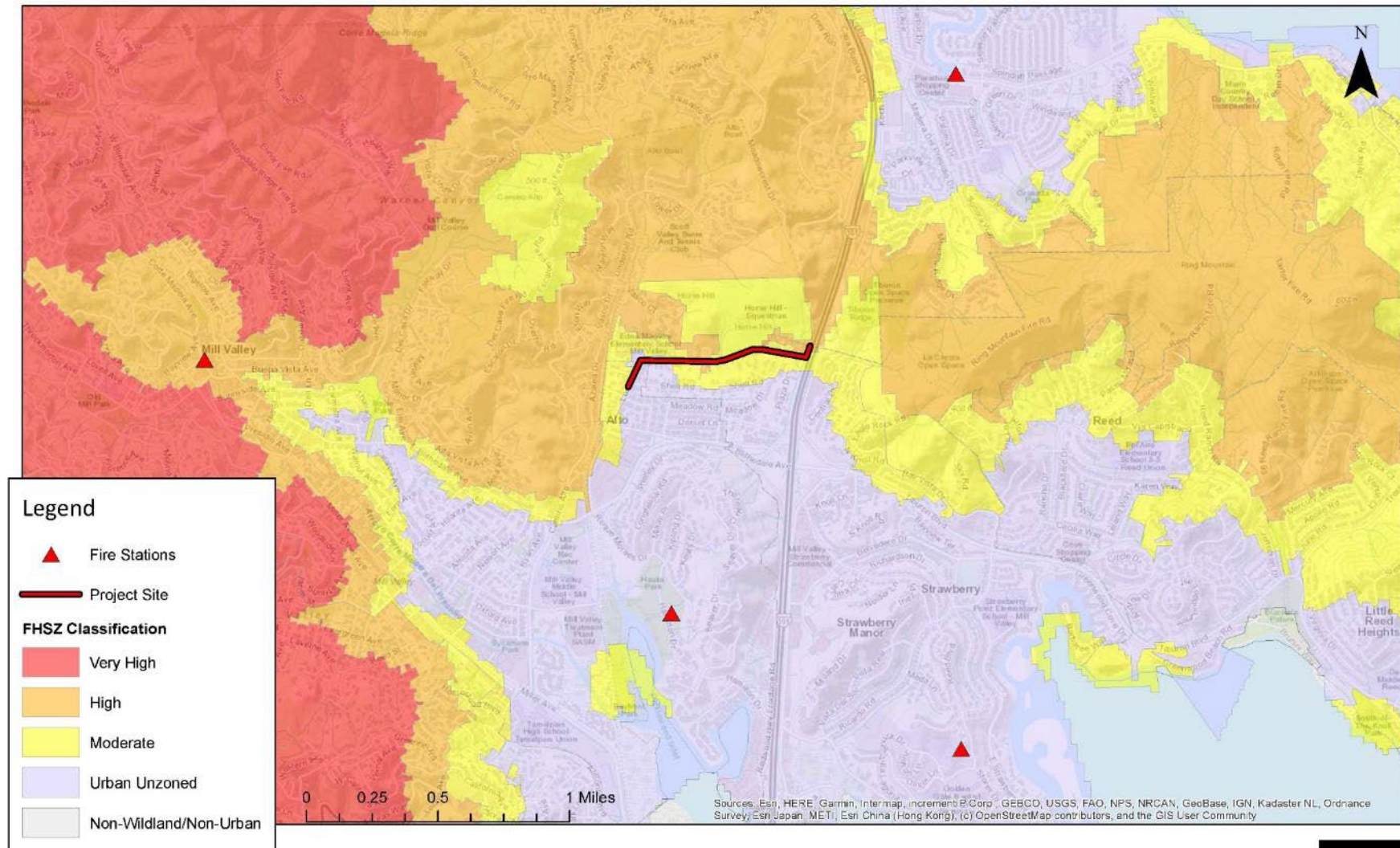
wildland and structural fires. In order to help achieve this goal, the CWP also implemented the following policies that are relevant to the Project:

- Policy EH-4.1: Limit risks to structures. Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.
- Policy EH-4.6: Ensure Adequate Fire Protection. Ensure that adequate fire protection, including adequate evacuation routes, is provided in new development and when modifications are made to existing development.

Environmental Setting

The Project site is located within a state designated LRA and the County's designated Wildland Urban Interface (WUI). The WUI generally describes areas where natural fuels and structure fuels are intermixed which creates variables which complicates the modeling and prediction of fire behavior. Homes and structures located anywhere in and around the WUI are at a higher risk for exposure to wildland fire which can spread rapidly throughout WUI areas through adjacent structures and/or vegetation, or by ember dispersion. The County has also designated Moderate and High FHSZs in and adjacent to the Project site as shown in **Figure 15**. There are no Very High FHSZs located within the Project site and the nearest Very High FHSZ is located approximately 0.77 miles west of the Project site.

Fire protection services for the Project site are provided by the Marin County Fire Department which has 48 fire stations. The closest fire station to the Project site is Fire Station 8 located at 2400 Agnew Road, approximately 1.47 miles southeast of the Project site.



Fire Hazard Severity Zones

Figure

15

Source: Marin County Open Data Portal 2023

Impact Discussion

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- **Less than Significant Impact.** As discussed in **Section 9, Hazards and Hazardous Materials**, the Project would maintain lanes of traffic and would not interfere with the Marin Operational Area Emergency Operations Plan insofar as it would not interfere with Emergency Operations Center staff operations in the event of an emergency. This impact would be less than significant.
- b) **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?**
- **Less than Significant Impact.** The Project would not require the installation of new facilities that would exacerbate fire risks. This impact would be less than significant.
- c) **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?**
- **Less than Significant Impact.** The surrounding community would not be exposed to significant risks from downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes due to the Project. This impact would be less than significant.
- d) **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?**
- **Less than Significant Impact.** During Project construction, construction workers who would be on-site would be potentially exposed to dangers related to wildland fires. However, this would only be temporary, and people and structures would not be exposed to increased risk of loss, injury or death due to wildland fires after construction. This impact would be less than significant.

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?	☐	☒	☐
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)?	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐

d) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? ☐ ☒ ☐

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**

- As discussed in **Section 4, Biological Resources**, the Project may have the potential to impact sensitive species including migratory birds and roosting bats if these species are found within the Project site during construction activities. However, these potential impacts would be reduced to less than significant levels with the incorporation of **AMM BIO-1** through **AMM BIO-5**. The Project site does not have suitable conditions to support rare or endangered plant species.

However, the Project does have the potential to impact important examples of major periods of California history or prehistory. As discussed in **Section 5, Cultural Resources** and **Section 18, Tribal Cultural Resources**, the Project has potential to impact undiscovered archaeological resources and tribal cultural resources. However, with the implementation of Mitigation Measures CUL-1 and CUL-2, the Project's potential to impact these resources would be reduced to a less-than-significant level.

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)?**

- The Project would not have impacts that are individually limited but could be cumulatively considerable. As discussed throughout this Initial Study, the Project would include minor pavement rehabilitation and build approximately 500 linear feet of sidewalk along the existing Lomita Drive roadway. The impacts associated with the Project will be limited to the construction phase of the Project and cease upon completion of construction. Furthermore, implementation of the Project would not induce any growth-related impacts. Therefore, the Project does not have impacts that are cumulatively considerable.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- As discussed in **Section 3, Air Quality**, there are sensitive receptors to the north, south, and east of the Project. However, due to the short construction duration, small scale, and distance to nearby sensitive receptors, these sensitive receptors would not be exposed to substantial pollution concentrations and the Project would not create a new long-term pollutant source that might put sensitive receptors at an increased risk of any air quality related illnesses.

d) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

- As described in **Section I, Project Description**, the Project would perform pavement rehabilitation and build approximately 500 linear feet of new sidewalk along Lomita Drive, closing several gaps in the pedestrian network. This would include the construction and improvement of sidewalks, new curb and gutters, pedestrian curb ramp access, driveway approaches, concrete driveway conforms, storm drain maintenance hole cover(s), drop inlet turning structures, storm drain infrastructure, and repair of 2,900 linear feet of pavement. During construction, the County will also adjust utilities and pavement markings as necessary. As discussed throughout this Initial Study, this would be accomplished without significant environmental impacts. While construction activities associated with the Project have short-term impacts that require mitigation, the long-term operation of the Project would not have any significant environmental impacts. The Project would have long-term benefits for the community and environment including an improved pedestrian network and improved stormwater infrastructure. Therefore, the Project would not achieve short term environmental benefits to the disadvantage of local, State, or national long-term goals.

IV. 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 measures described on an attached sheet have 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, Environmental Planning Manager

Date

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. County of Marin Department of Public Works, 2024. Plans for Construction of Road Rehabilitation Project.
2. Kleinfelder Inc, (2024). Road Rehabilitation Project, Lomita Drive, Mill Valley. Natural Environment Study.
3. InContext Cultural Resource Solutions, 2022. Preliminary Cultural Resources Report Memorandum.
4. InContext Cultural Resource Solutions, 2024. Monitoring and Treatment Plan for the Lomita Drive Road Rehabilitation Project.
5. Marin Countywide Plan, CDA - Planning Division (2007)
6. Marin County Development Code, Title 22, CDA - Planning Division
7. Marin County Development Standards, Title 24, Marin County Department of Public Works - Land Use & Water Resources Division
8. Soil Survey of Marin County, USDA Soil Conservation Service (1985)
9. Flood Insurance Rate Map Series of Marin County, California, prepared by the Federal Emergency Management Agency
10. Association of Bay Area Governments (ABAG), 2013. Marin County Earthquake Hazard Map. Available online:
<http://gis.abag.ca.gov/website/liquefactionsusceptibility/index.html>
11. 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.
12. Alquist –Priolo Special Studies Zone Map (1974)
13. Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, October, 2009.

14. BAAQMD, 2010. CEQA Air Quality Guidelines, Updated May 2010.
15. BAAQMD, 2012. CEQA Air Quality Guidelines, Updated May 2012.
16. BAAQMD, 2014. Air Quality Standards and Attainment Status, obtained online (http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm).
17. 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.
18. Mineral Resources, CDA - Planning Division (1987)
19. California Department of Fish and Wildlife. Rarefind v. 5. Online version of the California Natural Diversity Database (CNDDB).
20. California Department of Toxic Substances Control (DTSC), 2023. EnviroStor database. Available online: <http://www.envirostor.dtsc.ca.gov/public/>
21. County of Marin, 2023. Marin Map, Hazard, Fire Hazard Severity Zone. Available online: <http://www.marinmap.org/Geocortex/Essentials/Marinmap/Web/Viewer.aspx?Site=MMDataViewer>.
22. State Water Resources Control Board (SWRCB), 2023. GeoTracker database. Available online: <http://geotracker.waterboards.ca.gov/>
23. Marin County Fire Department, Woodacre Fire Station, available online at <http://www.marincounty.org/depts/fr/divisions/operations/stations/woodacre>.
24. Marin County Sheriff Department, official website, available online at <http://www.marinsheriff.org/>.
25. CalRecycle, Facility/Site Summary Details: Redwood Sanitary Landfill (21AA0001), available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/21-AA-0001/Detail/>.
26. Marin County Archaeological Sites Inventory Map, CDA - Planning Division (undated) confidential.

LOMITA DRIVE ROAD REHABILITATION PROJECT

RESPONSE TO COMMENTS

SCH NO.: 2025061339

Prepared for:

**Marin County
Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903**

Prepared by:

**Circlepoint
42 S. 1st Street, Suite D
San Jose, CA 95113**

November 2025

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**Lomita Drive
Road Rehabilitation Project**

Response to Comments

SCH No.: 2025061339

Prepared for:

**Marin County
Department of Public Works
3501 Civic Center Drive Suite 304**

San Rafael, CA 94903

Prepared by:

**Circlepoint
42 S. First Street, Suite D
San Jose, CA 95113**

November 2025

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RESPONSE TO COMMENTS

The key purpose of circulating a Draft Initial Study/Proposed Mitigated Negative Declaration (Draft IS/MND) is to collect comments on the accuracy of the information, to detect omissions, and discover public concerns (California Environmental Quality Act [CEQA] Guidelines § 15073).

The County of Marin Public Works Department provided a 30-day public comment period for the Draft IS/MND for the Lomita Drive Road Rehabilitation Project beginning on June 30, 2025, and ending on July 30, 2025. One comment was received before the beginning of the public comment period but was still included in this document to ensure that each comment received is fully addressed and included in the Project's administrative record. This document lists individuals who submitted comments on the Draft IS/MND, provides copies of written comments received, and responses to those comments. As required by CEQA, these responses address comments received during the public review period (Pub. Res. Code § 21091(d); CEQA Guidelines § 15073) and provide responses to the comments prior to the County's consideration of adopting the Final IS/MND (Pub. Res. Code § 21092.5 (b)). Where the text of the Draft IS/MND has been revised in response to a comment or concern, the revised text is reflected in the Final IS/MND (Exhibit A).

List of commenters

Four letters were received in response to the Draft IS/MND. The County acknowledges receipt of the comments and has provided responses below. Each comment letter was individually addressed by the County. Each comment letter has been assigned a number. Individual comments from each letter are identified by a number that corresponds to the comment letter and individual comment within that letter. For example, letter 1, comment 1, is addressed in Response 1-1. The numbering of each comment corresponds to the order in which the comment was received. A copy of each comment letter is provided before the responses to individual comments. **Table 1** provides an overview of the comment letters received.

Table 1 - Index of Commenters

Letter Number	Date of Comment	Commenter
1	July 2, 2025	Christopher Nassopoulos
2	July 1, 2025	Tom Levin, Sewerage Agency of Southern Marin
3	July 9, 2025	Leslie Citroen
4	July 11, 2025	Larisa Tempero

Comment Letter 1 - Christopher Nassopoulos

From: Robin Fies
Sent: Thursday, July 3, 2025 9:19 AM
To: EnvPlanning
Subject: FW: Lomita Dr Rehab Project [SENT FROM A PUBLIC FORM]

From: No-Reply <No-ReplyOld@MarinCounty.gov>
Sent: Wednesday, July 2, 2025 3:07:30 PM
To: Rachel Calvert <Rachel.Calvert@MarinCounty.gov>
Subject: Re: Lomita Dr Rehab Project [SENT FROM A PUBLIC FORM]

Contact Us

Email To: Rachel.Calvert@marincounty.gov

Hosted <https://www.marincounty.gov/departments/cda/planning/environmental-planning/current-ceqa-projects/lomita-drive-road-rehabilitation-project>

Page:

To: Rachel Calvert

From: Christopher Nassopoulos

Sender's Email molassestango@gmail.com

Address:

Subject: Lomita Dr Rehab Project

Message: Rachel, could not find a "proper" link for comments on the website. Misleading/confusing, so reaching out to you. Sorry if I misdirected my comments.

Comment 1-1

Comment 1-2

My wife Caroline and I live at 11 Lomita Dr, at the western end of the Phase One portion of this project. We are all for it! I looked over the plans online and it looks great. It will be disruptive for some months (hopefully not too much more than that) but the results will be awesome. Didn't notice any new lighting but I would STRONGLY vote against it. The neighborhood gets on just fine without streetlights and extra glare. The glare from the Southbound Highway 101 exit sign is bad enough as it is. My two cents.

Thanks for your good work!

Christopher Nassopoulos

11 Lomita Dr, MV

Optionally

Add an [Mlnions2.jpg](#)

Attachment:

You can [edit this submission](#) and [view all your submissions](#) easily.

Responses to Comment Letter 1

- 1-1 The commenter states that they live at 11 Lomita Drive, near the western end of the Phase One portion of this Project. The commenter notes that they are supportive of the Project and the potential benefits it will bring.

In response to this comment, the commenter's support for the Project is noted and is part of the administrative record and will be forwarded to the decision-makers.

- 1-2 The commenter notes that they did not notice any new lighting proposed in the plan, and they would be against the inclusion of new lighting due to the potential glare concerns.

In response to this comment, the County confirms that the Project would not include any lighting upgrades or the installation of new lighting fixtures along Lomita Drive. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

Comment Letter 2 - Tom Levin, City of Mill Valley

Robin Fies

From: Robin Fies
Sent: Thursday, July 3, 2025 11:42 AM
To: EnvPlanning
Subject: FW: [External] Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

From: Tom Levin <tlevin@cityofmillvalley.gov>
Sent: Thursday, July 3, 2025 10:43:58 AM
To: Rachel Calvert <Rachel.Calvert@MarinCounty.gov>; Nicholas Rothbart <Nicholas.Rothbart@MarinCounty.gov>
Subject: Re: [External] Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Hi Nicholas,
Thank you for returning my phone vm.

Hi Rachel,

To my understanding, resident at 150 Lomita Road had previously contacted the City of Mill Valley sometime last year requesting repairs to the sidewalk along their street. CMV DPW informed the resident to contact the County since the address on 150 Lomita Drive resides on county property.

Does the County have past records from resident at 150 Lomita requesting sidewalk repairs?

Resident at 150 Lomita more recently contacted Sewerage Agency of Southern Marin (SASM) to report that a manhole lid is a tripping hazard along the asphalt sidewalk. SASM's visual inspection concludes that the 60+ yr manhole concrete base and cone sections and steel lid remain level and at consistent elevation. This manhole at 150 Lomita did not heave upwards, but rather the surrounding soils and asphalt had settled inconsistently around it. In addition, it appeared that there was cold asphalt patch applied around and beyond that sewer manhole lid probably within the past year or two. SASM informed the resident, several weeks ago, to contact the County to repair the deteriorated and sunken asphalt within the vicinity of that manhole, as SASM will not lower the sewer manhole rim/lid elevation. Please rescind the assumption in your below e-mail (see **highlight**).

Comment
2-3

I do encourage that the *County CIP Projects "Description"* be more descriptive by adding the project location (e.g.: street address from X to Y and/or including a project map showing which areas within Alto Community are planned in 2025/ 2026/2027 etc..)

This would be very helpful as I suspect that Alto community, City of Mill Valley, School District, and others likely have an (incorrect) assumption that all (or most) of the non-City road surfaces and sidewalk areas along Lomita Drive are scheduled for upgrades. I recall seeing that Lomita Road Rehab project experienced a bid bust a few years ago. What did that project scope and locations include?

Comment
2-4

r/
Tom Levin

From: Nicholas Rothbart <Nicholas.Rothbart@MarinCounty.gov>
Sent: Wednesday, July 2, 2025 11:48 AM
To: Tom Levin <tlevin@cityofmillvalley.gov>

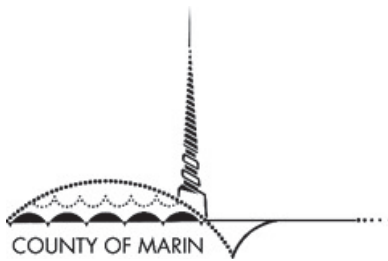
Cc: Rachel Calvert <Rachel.Calvert@MarinCounty.gov>

Subject: FW: [External] Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Forwarding this response to Tom.

Tom, if you have any further questions please let us know!

Thank you,



Nicholas Rothbart

Engineer I

County of Marin

Department of Public Works

3501 Civic Center Drive Suite 404

San Rafael, CA 94903

Phone: (415) 473-6192

Cell: (714) 794-4437

CA Relay 711

Nicholas.Rothbart@MarinCounty.gov

From: Rachel Calvert <Rachel.Calvert@MarinCounty.gov>

Sent: Tuesday, July 1, 2025 3:39 PM

To: Fabiola Guillen <Fabiola.Guillen@MarinCounty.gov>; Robin Bartlett <Robin.Bartlett@MarinCounty.gov>

Cc: Maja Loncar <Maja.Loncar@MarinCounty.gov>; Nicholas Rothbart <Nicholas.Rothbart@MarinCounty.gov>; Laney

Davidson <Laney.Davidson@MarinCounty.gov>

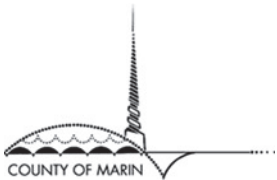
Subject: RE: Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Hello,

This address range has nothing to do with the Lomita Project. I believe we asked Traffic Division to put this on the sidewalk grant wish list. We have discussed it several times with Robin Rachel Dan Brett, but we agree that this is a difficult location. They will seek out grant opportunities.

I think they were referred to Laney last time we spoke. Also, Nicholas is working with SASM to get them to repair their Manhole at this location.

Nicholas, do you have a number for Tom? It isn't in his email. If so, please call him and advise that the project starts on the corner near the school – also environmental process has delayed the start and we will likely be in construction (on the other leg of Lomita) in 2026.



Rachel Calvert

Senior Civil Engineer/PMP Manager

County of Marin

Department of Public Works

Cell: (415) 246-5017

From: Fabiola Guillen <Fabiola.Guillen@MarinCounty.gov>

Sent: Tuesday, July 1, 2025 2:28 PM

To: Robin Bartlett <Robin.Bartlett@MarinCounty.gov>; Rachel Calvert <Rachel.Calvert@MarinCounty.gov>

Cc: Maja Loncar <Maja.Loncar@MarinCounty.gov>

Subject: FW: Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Hi Robin,

Is this your project? I don't have any information to respond to this individual, and wanted to make sure you saw this. Copying Rachel here as well.

Tx

F

From: Tom Levin <tlevin@cityofmillvalley.gov>
Sent: Tuesday, July 1, 2025 1:59 PM
To: Fabiola Guillen <Fabiola.Guillen@MarinCounty.gov>; Robin Bartlett <Robin.Bartlett@MarinCounty.gov>
Cc: Maja Loncar <Maja.Loncar@MarinCounty.gov>
Subject: Re: Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Some people who received this message don't often get email from tlevin@cityofmillvalley.gov. [Learn why this is important](#)

Hi Fabiola & Robin,

In follow-up, can you please provide an update on the design status?

At a minimum, pls advise/confirm if the (asphalt) sidewalk along 150 Lomita is planned to be replaced within this project SOW.

r/

Tom Levin

Comment
2-2

From: Tom Levin
Sent: Friday, June 20, 2025 1:02 PM
To: Robin.Bartlett@marincounty.gov; Fabiola.Guillen@marincounty.gov
Subject: Lomita Drive Road Rehabilitation (CIP Design & Contract STATUS)

Hi Robin and Fabiola,

I'm reaching out to learn more on the design and contract status of this County scheduled project "Lomita Drive Road Rehabilitation" during Fall 2025.

Sewerage Agency of Southern Marin (SASM) and Alto Sewer District has sewer manhole assets within your planned work, and I wish to know if the county planning to maintain the existing Alto and SASM manhole lids and rings located along the sidewalk areas and streets at current grade or perhaps raise metal.

Comment
2-1

Please provide a 60% design plan set (or better) for my review as I can provide feedback to your engineer/PM the location of SASM's and Alto Sanitary District's sewer manholes within your project area.

Comment
2-1
Cont.

Please advise.

Regards,

Tom Levin

Senior Project Manager

Sewerage Agency of Southern Marin (SASM)

450 Sycamore Avenue

Mill Valley, CA 94941

[< Back](#)
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Community Connection](#)
[Frank Valley Rd near Muir Woods](#)
[Marin County Parks' Field Office
Renovation](#)
[Four Corners Intersection
Improvements](#)
[HSIP Signal Enhancements](#)
[Strawberry Paving](#)
[Marin City Paving](#)
[Edgewood Avenue - Road
Stabilization Project](#)
[HSIP Panoramic HFST](#)
[Lomita Drive Road Rehabilitation](#)
[Marin City Pedestrian
Improvements – Phase 2](#)
[Sea View Ave Stormwater Drainage
Improvement](#)

Lomita Drive Road Reh

Description

Overview

Lomita Drive Road Rehabilitation is a sidewalk gap closure project that will close the north side of Lomita Drive to provide a continuous path of travel for pedestrians. The Maguire Elementary School to Horse Hill/Corte Madera bike path will also receive improvements, and re-grading to help protect against flood damage to residences.

Funding

Project is estimated to cost \$1.8 million. The funding comes from a Metropolitan grant for \$130,000 and the remainder is covered by the County's Road & Bridge Fund.

Traffic Impacts

Residents that may be potentially impacted have received notifications of the project. The County will coordinate construction required lane closures and short duration road closures will be implemented.

Timeline

Fall 2025

- Anticipated start of construction

Email Disclaimer: <https://www.marincounty.gov/privacy-policy>

Responses to Comment Letter 2

- 2.1 The commenter requests additional information regarding the design and contract status of the Project. The commenter notes that the Sewerage Agency of Southern Marin (SASM) has sewer manhole assets within the Project area including manhole lids and rings within the proposed Project site. The commenter requests a copy of the 60% design plan or better in order to review and provide any feedback to the County if needed.

In response to this comment, the County communicated with the commenter via email and by phone to address the commenters questions. Copies of the project plan sets are included as Figure 3a, Figure 3b, and Figure 3c of the IS/MND. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 2.2 The commenter requests an update on the design status and for the County to confirm if the sidewalk along 150 Lomita Drive is planned to be replaced within the Project scope.

In response to this comment, the Project would not include the replacement of the sidewalk along 150 Lomita Drive. Regarding the commenter's request for an update on the design status, the County communicated with the commenter and provided an update regarding the design status. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 2.3 The commenter asks whether the County has records from the residents at 150 Lomita Drive requesting sidewalk repairs. The commenter then clarifies that the resident at 150 Lomita Drive contacted SASM to report a manhole tripping hazard. After further inspection, SASM identified that the sidewalk concrete around the manhole had settled inconsistently and informed the resident to contact the County to repair the deteriorated asphalt around the manhole.

In response to this comment, this is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 2.4 The commenter encourages the County to update their website to better reflect the Project location or include a map illustrating the Project limits. The commenter notes that this would be helpful to the surrounding community members who may be unclear on the scope of the Project.

In response to this comment, the County's "Current CEQA Project's" Project page includes a description of the proposed work, the approximate length of the Project, and a description of the Project location. This Project page can be accessed at the following link:

<https://www.marincounty.gov/departments/cda/planning/environmental-planning/current->

ceqa-projects/lomita-drive-road-rehabilitation-project?language=en. In addition, pages 1 through 13 of the IS/MND include a description of the Project including the Project location, proposed improvements, and maps illustrating the Project site and different phases. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

Comment Letter 3 – Leslie Citroen

Robin Fies

From: Leslie Citroen <leslie184@gmail.com>
Sent: Wednesday, July 9, 2025 11:06 AM
To: EnvPlanning
Subject: Lomita Dr

You don't often get email from leslie184@gmail.com. [Learn why this is important](#)

Hello

I live on Lomita Drive in Mill Valley

I received the notice that roadwork will be performed in the area between Somerset Lane to Hill Preserve.

Comment
3-1

I can not find the drawings and detailed scope of work on your website

I went to your offices and spoke to Rachel Calvert, the Senior Civil Engineer.

She told me that the only work that was being performed was in area next to the school, Edna Maguire - and that new underground drainage on Lomita next to the school. I don't understand why the County is doing this work?? if your new maps show that this entire section of the road is owned by the City of Mill Valley?

Comment
3-2

Of course, all the residents are annoyed that a mistake was made when creating these electronic maps and impossible to show mistake was made, since the old maps have all been disposed.

Why is the County doing this work?

I want to confirm that there will not be work performed in front of my property.

Comment
3-3

I look forward to hearing from you - and would urge you to put the drawings up for public consumption.

Additionally, I have concerns about new drainage picking up water that will be channelled into the creek across the street from my home. When the school was rebuilt 10+ years ago = the school installed extensive drainage - and all that water was not funneled into that creek. At that time, the Roads Director, Craig - spoke out about his concerns - that the water should be left on the school site to percolate into the soil - but the County could not control what happened on the school property. It now seems the County wants to put even more water into that creek - which has not flooded since I have lived here (25 years) but one has to wonder - with climate change, that this creek is inadequate to handle all this water. It was never designed to handle all the water.

Comment
3-4

I look forward to hearing from you - and would urge you to put the drawings up for public consumption.

Leslie Citroen
106 Lomita Dr.
Mill Valley.

Robin Fies

From: Leslie Citroen <leslie184@gmail.com>
Sent: Wednesday, July 9, 2025 12:04 PM
To: EnvPlanning
Cc: Rachel Calvert
Subject: Re: Lomita Dr

Some people who received this message don't often get email from leslie184@gmail.com. [Learn why this is important](#)

Thank you

I realize I have a typo in my note to you.

I want to clarify. When the school was rebuilt 10 years ago they installed extensive drainage on the multi acre site and channeled all that water into the channel across the street from my house. That channel is in a flood zone.

Comment
3-5

At that time - the County Roads Dept expressed concern that the water should be left on site and designed to percolate down into the ground. Since the school project was overseen by the State - they did not listen

that channel was designed in the 1950s. Since the school tied their water into that drainage pipe (across the street from my house) i have seen a huge increase in the flow of water. It has not flooded.

That channel was not designed in the 1950s to handle all this new drainage that is now tying into it.

Also, why is the County doing this work when that stretch of Lomita from Shell Road to the school is entirely "owned" by the City of Mill Valley according to the new electronic maps? Old maps and old timers indicate hat section of the street was split down the middle and one side was City and the other side was County.

Comment
3-6

I look forward to hearing from you
Leslie Citroen

On Wed, Jul 9, 2025 at 11:18 AM EnvPlanning <EnvPlanning@marincounty.gov> wrote:

Good morning, Leslie,

Your comment regarding the Lomita Drive Road Rehabilitation Project Draft Initial Study/Mitigated Negative Declaration has been received and will be documented in the project record.

Regarding your questions about the details of the Project's design and drawings, I've copied Rachel Calvert on this email to provide you with additional information.

Best,

Environmental Planning Team

County of Marin
Community Development Agency

EnvPlanning@marincounty.gov

415 473 6269 Office

From: Leslie Citroen <leslie184@gmail.com>
Sent: Wednesday, July 9, 2025 11:06 AM
To: EnvPlanning <EnvPlanning@MarinCounty.gov>
Subject: Lomita Dr

You don't often get email from leslie184@gmail.com. [Learn why this is important](#)

Hello

I live on Lomita Drive in Mill Valley

I received the notice that roadwork will be performed in the area between Somerset Lane to Hill Preserve.

I can not find the drawings and detailed scope of work on your website

I went to your offices and spoke to Rachel Calvert, the Senior Civil Engineer.

She told me that the only work that was being performed was in area next to the school, Edna Maguire - and that new underground drainage on Lomita next to the school. I don't understand why the County is doing this work?? if your new maps show that this entire section of the road is owned by the City of Mill Valley?

Comment
3-7

Comment
3-8

Of course, all the residents are annoyed that a mistake was made when creating these electronic maps and impossible to show mistake was made, since the old maps have all been disposed.

Comment
3-8
Cont.

Why is the County doing this work?

I want to confirm that there will not be work performed in front of my property.

Comment
3-9

I look forward to hearing from you - and would urge you to put the drawings up for public consumption.

Additionally, I have concerns about new drainage picking up water that will be channelled into the creek across the street from my home. When the school was rebuilt 10+ years ago = the school installed extensive drainage - and all that water was not funneled into that creek. At that time, the Roads Director, Craig - spoke out about his concerns - that the water should be left on the school site to percolate into the soil - but the County could not control what happened on the school property . It now seems the County wants to put even more water into that creek - which has not flooded since I have lived here (25 years) but one has to wonder - with climate change, that this creek is inadequate to handle all this water. It was never designed to handle all the water.

Comment
3-10

I look forward to hearing from you - and would urge you to put the drawings up for public consumption.

Leslie Citroen

106 Lomita Dr.

Mill Valley.

Email Disclaimer: <https://www.marincounty.gov/privacy-policy>

Responses to Comment Letter 3

- 3-1 The commenter notes that they are residents of Mill Valley who live on Lomita Drive, and they could not find the engineering drawings and detailed scope of work on the County's website.

In response to this comment, the Project description describing the Project's scope of work can be found on pages 1 through 10 of the IS/MND and copies of the engineering drawings can be found on pages 11 through 13. The IS/MND can be found on the County's website at the following link: https://assets.marincounty.gov/marincounty-prod/public/2025-06/Draft%20ISMND_Lomita%20Drive.pdf. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 3-2 The commenter notes that they spoke to Rachel Calvert, who told her that the only work that was being performed was in the area adjacent to the Edna Maguire Elementary School. The commenter then notes that they do not understand why the County is doing this work and that the County's online maps show that the section of road is owned by the City of Mill Valley. The commenter then states that a mistake was made when creating the electronic maps, and it is impossible to show that mistakes were made since the old maps had been disposed of.

In response to this comment, the commenter is correct in that portions of the Project site are located within areas under the jurisdiction of the City of Mill Valley. As noted on page 14 of the IS/MND, the City of Mill Valley is listed as a trustee and responsible agency. The work proposed within the City of Mill Valley's jurisdiction is limited to stormwater and drainage improvements, which falls under the jurisdiction of the County of Marin Public Works Department. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 3-3 The commenter requests confirmation that there will not be work performed in front of their property, located at 106 Lomita Drive. The commenter also requests that the County put the engineering drawings up for public consumption.

In response to this comment, the Project does not propose improvements in front of the property located at 106 Lomita Drive. As seen on page 11 of the IS/MND, the proposed improvements extend past Shell Road, but do not extend to the area in front of the property located at 106 Lomita Drive. In response to the request for the engineering drawings to be posted for public consumption, copies of the engineering drawings can be found on pages 11 through 13 of the IS/MND. The IS/MND can be found on the County's website at the following link: https://assets.marincounty.gov/marincounty-prod/public/2025-06/Draft%20ISMND_Lomita%20Drive.pdf

- 3-4 The commenter expresses concerns regarding the proposed drainage improvements. Specifically, the commenter questions whether the creek can safely hold the additional water that will be channeled into the creek from the proposed stormwater drainage improvements. The commenter requests that the County publish the engineering drawings for public consumption.

In response to this comment, please refer to **Attachment A**, which includes additional analysis pertaining to the proposed storm drain improvements on Lomita Drive. As discussed on page 2 of **Attachment A**, the proposed improvements would add needed capacity to the existing storm drain system, and these improvements would reduce the peak 10-year water level along Lomita Drive. Furthermore, the proposed improvements would not have a significant impact on the downstream drainage system as described on page 123 of the IS/MND.

- 3-5 The commenter clarifies that when the school was rebuilt, a new drainage system was installed to channel stormwater into the creek across the street from her house. The commenter notes that they have noticed an increase in flow into the creek, which was not designed to accommodate that amount of drainage. The commenter does note, however, that the creek has not flooded to date.

In response to this comment, this is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 3-6 The commenter asks why the County is doing this work when the stretch of Lomita Drive from Edna Maguire Middle School to Shell Road is owned by the City of Mill Valley. The commenter also notes that older maps indicate that section of Lomita Drive as split “down the middle” with one area falling under the jurisdiction of the County, and the other area falling under the jurisdiction of the City of Mill Valley.

In response to this comment, please refer to Response 3-2. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

- 3-7 The commenter notes that they are residents of Mill Valley who live on Lomita Drive, and they could not find the engineering drawings and detailed scope of work on the County’s website.

This comment is identical to Comment 3-1. Please refer to Response 3-1.

- 3-8 The commenter notes that they spoke to Rachel Calvert, who told her that the only work that was being performed was in the area adjacent to the Edna Maguire Elementary School. The commenter notes that they do not understand why the County is doing this work and that the County’s online maps show that the section of road is owned by the City of Mill Valley. The

commenter states that a mistake was made when creating the electronic maps, and it is impossible to show that mistakes were made since the old maps had been disposed of.

This comment is identical to Comment 3-2. Please refer to Response 3-2.

- 3-9 The commenter requests confirmation that there will not be work performed in front of their property, located at 106 Lomita Drive. The commenter also requests that the County put the engineering drawings up for public consumption.

This comment is identical to Comment 3-3. Please refer to Response 3-3.

- 3-10 The commenter expresses concerns regarding the proposed drainage improvements. Specifically, the commenter questions whether the creek can safely hold the additional water that will be channeled into the creek from the proposed stormwater drainage improvements. The commenter requests that the County publish the engineering drawings for public consumption.

This comment is identical to Comment 3-4. Please refer to Response 3-4.

Comment Letter 4 – Larisa Temepro

From: No-Reply
Sent: Friday, July 11, 2025 10:14 AM
To: EnvPlanning
Subject: Re: new drainage plans for lomita [SENT FROM A PUBLIC FORM]

Contact Us

Email To: EnvPlanning@MarinCounty.gov

Hosted Page: <https://www.marincounty.gov/departments/cda/planning/environmental-planning/current-ceqa-projects/lomita-drive-road-rehabilitation-project/lomita-drive-noa-draft-ismnd>

To: Environmental Planning General Contact

From: Larisa Tempero

Sender's Email Address: lara.tempero@gmail.com

Subject: new drainage plans for lomita

Message: Hello, I would just like to ask for a few more details about the new storm drain system proposal planned for the fall of 2025. I understand that the project includes placing new subsurface storm drains near Edna Maguire Elementary School and along Lomita Drive. I also understand that these drains will need to connect to the current system.

As a resident of Shell Rd with a property that backs up to the drainage creek, I want to be assured that the new system will not overwhelm the capacity of the creek and lead to flooding in our yards and homes. I greatly appreciate the need for good drainage in this area of Mill Valley and we are thankful that the county does an incredible job of maintaining the drainage creek. Most of the year the creek is dry but during heavy rainstorms the creek fills to the brim.

The county has always done a great job of controlling the flow of water and often within hours of a big storm, the creek is already rapidly draining down to much lower levels. The purpose of this email is to ensure that properties that back up to the drainage creek will not suffer flooding as a result of additional water being collected and re-routed to a creek that has no capacity to be expanded. Right now things seem well balanced, but please reassure us that the county has considered what additional water volumes will do if they are dumped into the drainage creek between Somerset and Shell on a day of heavy rains and high tides. Thank you so

Comment 4-1

Comment 4-2

much for any additional info that you can provide about this project.
Appreciate all that you do,

Larisa Tempero
69 Shell Rd Mill Valley
415 999 3898

Responses to Comment Letter 4

- 4-1 The commenter requests additional details regarding the storm drain improvements proposed under the Project. The commenter notes her understanding of the Project and that the new subsurface storm drains will be located near the Edna Maguire Elementary School. The commenter notes that they are residents of Shell Road and that their property backs up to the drainage creek and also requests that the County confirm that the proposed storm drain improvements would not result in a loss in capacity of the creek and result in flooding conditions.

In response to this comment, please refer to **Attachment A**, which includes additional analysis pertaining to the proposed storm drain improvements on Lomita Drive. As discussed on page 2 of **Attachment A**, the proposed improvements would add needed capacity to the existing storm drain system, and these improvements would reduce the peak 10-year water level along Lomita Drive. Furthermore, the proposed improvements would not have a significant impact on the downstream drainage system as described on page 123 of the IS/MND.

- 4-2 The commenter notes that the County has historically done a great job of controlling floodwaters and reiterates that the purpose of their comment is to ensure that properties backing up to the drainage creek will not experience flooding as a result of proposed storm drain improvements. The commenter requests additional information about the Project and notes their appreciation for the work that the County does.

In response to this comment, please refer to Response 4-1, which confirms that the proposed storm drain improvements would increase the capacity of the existing system, and would not have any significant impacts on the downstream drainage network. Regarding the commenter's request for additional information, it is unknown what specific information the commenter is requesting. Regardless, the commenter is encouraged to reach out to the County's Department of Public Works project manager, Rachel Calvert at Rachel.Calvert@MarinCounty.gov, with the specific information that they would like to receive. This is not a comment on the adequacy or content of the environmental analysis in the IS/MND but is part of the administrative record and will be forwarded to the decision-makers. No further response is necessary.

Attachment A:
Lomita Drive Storm Drain Improvement Model and Impact
Analysis

MEMORANDUM

TO: Marin County
FROM: Dan Schaaf, P.E.
DATE: February 15, 2022
JOB #: MARN.07.22
SUBJECT: Lomita Drive Storm Drain Improvement Model and Impact Analysis

Introduction

Marin County contracted Schaaf & Wheeler to complete a hydraulic analysis to support the improvement design along Lomita Drive in Mill Valley. This road has experienced drainage issues during storm events and is identified in the City of Mill Valley's Storm Drain Master Plan (SDMP) as a capital project. Figure 1 shows the site location.

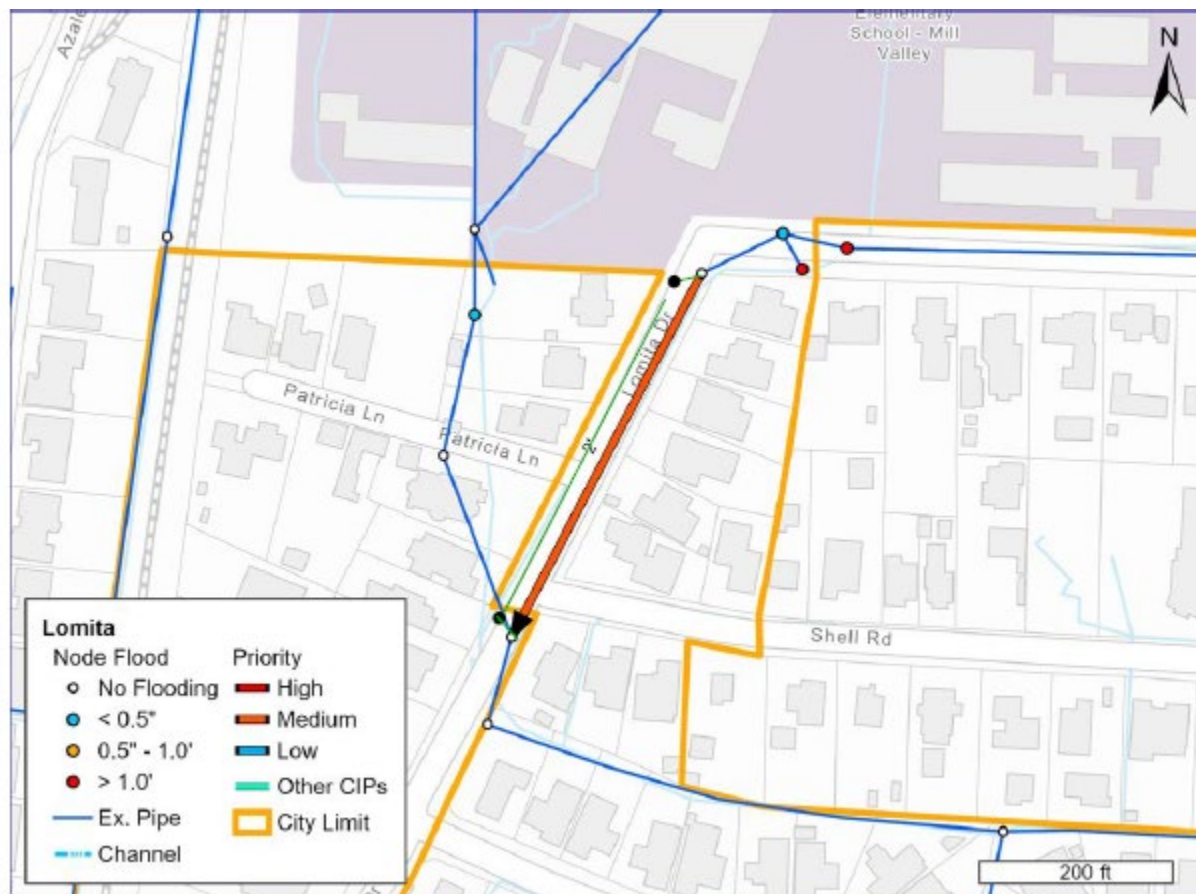


Figure 1: Project Location from Mill Valley's Storm Drain Master Plan

The existing storm drain system along Lomitas Drive is an 18-inch RCP pipe that connects to an open channel. The City's SDMP proposed replacing the existing 18-inch pipe with a 24-inch pipe. However, the proposed design by Marin County shows a parallel 24-inch pipe instead of a replaced pipe. This analysis looked at the revised improvement to include a parallel 24-inch pipe in addition to the 18-inch pipe to analyze any downstream impacts downstream from the additional flow, see Figure 2.



The additional pipe adds needed capacity to the system which reduces the peak 10-year water level in Lomita Drive to the of the roadway. The increased capacity has no significant impact on the downstream drainage system. The potential increases in water levels downstream are less than 0.1 feet (1.2 inches) and the increases in peak flows are negligible. Figure 3 shows the existing and proposed peak water levels for a 10-year condition with tidal effects, while Figure 4 show the system without tidal effects.



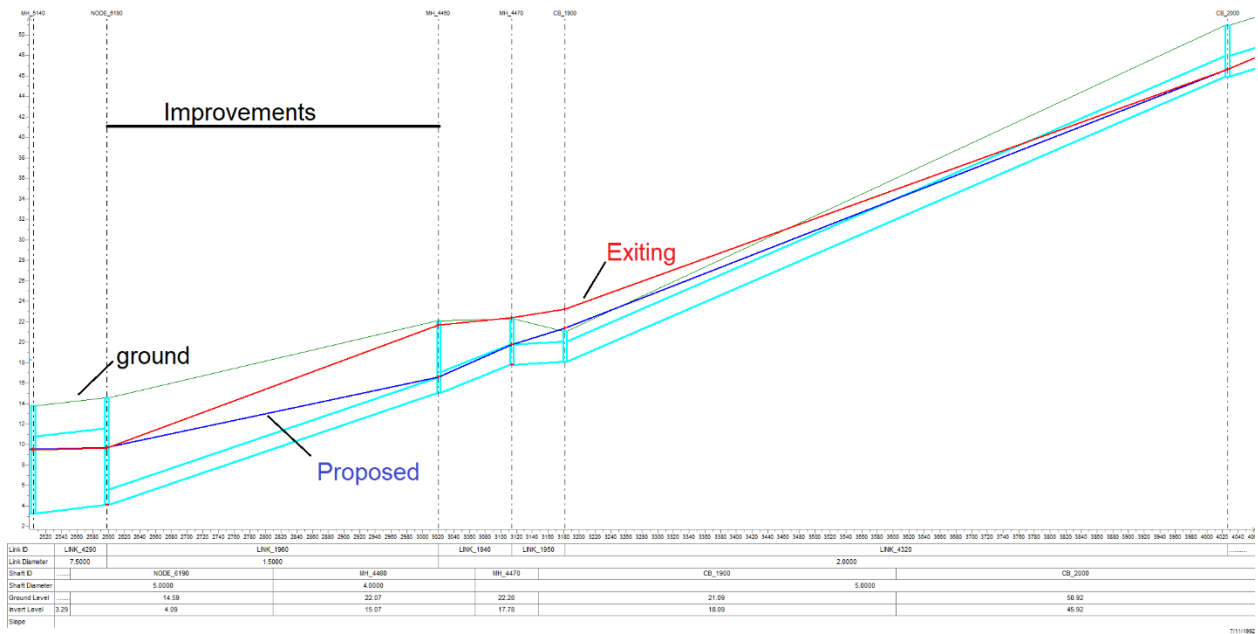


Figure 4: 10-year Profile without Tides

Conclusion

The proposed storm drain improvements along Lomita Drive increase the system capacity and provide a higher level-of-service to this neighborhood. There are no significant impacts on the downstream drainage network from this project.

Exhibit C

LOMITA DRIVE ROAD REHABILITATION PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

SCH No.: 2025061339

Prepared for:

**Marin County
Department of Public Works
3501 Civic Center Drive Suite 304
San Rafael, CA 94903**

Prepared by:

**Circlepoint
42 S. 1st Street, Suite D
San Jose, CA 95113**

November 2025

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**Lomita Drive
Road Rehabilitation Project**

Mitigation Monitoring and Reporting Program (MMRP)

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Mitigation Monitoring and Reporting Program

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
Biological Resources	AMM BIO-1 Work Window for Nesting Birds. To the extent practicable, clearing and grubbing activities would be conducted during the non-nesting season, from October 1 to January 31.	Marin County Department of Public Works, Contractor	Pre-Construction, Construction
	AMM BIO-2 Preconstruction Surveys for Nesting Birds. Preconstruction surveys for nesting birds would be conducted by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 1 to September 30).	Marin County Department of Public Works, Contractor, Qualified Biologist	Pre-Construction
	AMM BIO-3 Non-disturbance Buffer for Nesting Birds. If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, a non-disturbance buffer would be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the species' sensitivity to disturbance, and the intensity/type of potential disturbance.	Marin County Department of Public Works, Contractor	Pre-Construction, Construction
	AMM BIO-4 Worker Environmental Awareness Training. All construction personnel would attend a mandatory environmental education program delivered by a qualified biologist prior to working on the Project. At a minimum, the training would include a description of listed species, migratory birds, and their habitats. The training would also discuss the potential occurrence of these species within the Biological Study Area (BSA); an explanation of the status of these species and their protection under the Endangered Species Act and other laws; the measures to be implemented to conserve listed species and their habitats as they relate to the work site; workers' personal liability; and boundaries within which construction may occur. Documentation of the training, including sign-in sheets, would be kept on file and would be available on request.	Marin County Department of Public Works, Contractor, Qualified Biologist	Pre-Construction, Construction
	AMM BIO-5 Preconstruction Surveys. Prior to any ground disturbance, preconstruction surveys would be conducted by a qualified biologist. These surveys would consist of walking the Project site and, if possible, accessible adjacent areas within at least 50 feet of the Project site. The biologist(s) would investigate all potential cover and nesting/roosting sites, including vegetation, mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, culverts, and debris. Native vertebrates found in the cover sites within the Project site would be documented.	Marin County Department of Public Works, Contractor, Qualified Biologist	Pre-Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
	AMM BIO-6 Bat Preconstruction Surveys and Bat Protection. Due to the potential for roosting bats in trees and culverts adjacent to the Project site, a bat pre-construction survey will be conducted by a qualified biologist at dusk to determine the presence of bats within the Project site. A Qualified Biologist shall conduct a habitat assessment for potentially suitable bat roosting habitat, including existing trees and culverts within 15 feet of the Project site prior to construction activities. If the habitat assessment reveals existing trees or culverts are suitable roosting habitat for bats, then the appropriate measures will be implemented prior to the construction during the period between March 1 and April 15 or August 31 to October 15. Potential avoidance may include visual monitoring, and staging project work to avoid bats. If suitable habitat is present within trees, and tree removal is scheduled from April 16 through August 30 and/or October 16 through February 28, then presence/absence surveys shall be conducted two to three days prior to any tree removal or trimming. If presence/absence surveys are negative, then tree removal may be conducted by following a two-phased tree removal system. If surveys indicate bat presence, then the occupied trees shall only be removed from March 1 through April 15 and/or August 31 through October 15 by following the two-phased tree removal system. The two phased system shall be conducted over two consecutive days. On the first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws or other hand tools. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches without those features removed. On the second day, the entire tree shall be removed.	Marin County Department of Public Works, Contractor, Qualified Biologist	Pre-Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
	AMM BIO-7 Water Features. No work will occur in any water features such as wetlands or jurisdictional waters.	Marin County Department of Public Works, Contractor	Construction
	AMM BIO-8 Standard Best Management Practices (BMPs). The potential for adverse impacts to water quality would be avoided by implementing temporary and permanent BMPs. Erosion control BMPs would be used to minimize any wind- or water-related erosion. The BMP measures include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges. Protective measures would be included in the contract, including, at a minimum: ▪ No discharge of pollutants from vehicle and equipment cleaning are allowed into the storm drain or water courses. ▪ Vehicle and equipment fueling, and maintenance operations must be at least 50 feet away from water courses. ▪ Concrete wastes are collected in washouts and water from curing operations is collected and disposed of and not allowed into water courses. ▪ Dust control will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, rocking temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require. ▪ Work areas where temporary disturbance has removed the pre-existing vegetation will be re-seeded with a native seed mix. ▪ Graded areas will be protected from erosion using a combination of silt fences, fiber rolls along toe of slopes or along edges of designated staging areas, and erosion-control blankets (such as jute or coir) as appropriate. ▪ A Revegetation Plan will be prepared for restoration of temporary work areas. Pavement and base will be removed, topography blended with the surrounding area, and topsoil will be salvaged from the new alignment area to be placed over the restored area, which will then be revegetated.	Marin County Department of Public Works, Contractor	Pre-Construction, Construction
	AMM BIO-9 Concrete Waste and Stockpiles. All grindings and asphaltic-concrete waste would be stored within previously disturbed areas absent of habitat and at a minimum of 150 feet from any aquatic habitat, culvert, or drainage feature.	Marin County Department of Public Works, Contractor	Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
	AMM BIO-10 Revegetation Following Construction. All areas that are temporarily affected during construction would be revegetated with an assemblage of native grass, shrub, and trees as appropriate. Invasive, exotic plants would be controlled within the project site to the maximum extent practicable, pursuant to Executive Order 13112.	Marin County Department of Public Works, Contractor	Post-Construction
Air Quality	Dust and Emission Control. The following dust and emission 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.	Marin County Department of Public Works, Contractor	Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
Cultural Resources	Mitigation Measure CUL 1: Archaeological and Tribal Monitoring Due to the potential for intact buried pre-contact deposits to be present within the Project site, a Secretary of the Interior-qualified archaeologist and Federated Indian of Graton Rancheria (FIGR) Tribal representative shall be required to monitor all ground-disturbing work associated with the Project, with monitoring able to be reduced or discontinued based on a recommendation from the archaeologist in coordination with FIGR. Full-time archaeological and Tribal monitoring is anticipated within Areas 1 through 4, where the most extensive areas of ground disturbance are proposed, to ensure that any cultural resources uncovered are observed, recorded, and avoided if feasible. Monitoring will not be required for ground-disturbing activities reoccurring in areas that have already been affected by Project-related ground disturbance which were previously monitored with negative findings. Monitoring will adhere to the Monitoring and Treatment Plan prepared by InContext for the Project in March 2024, which defines specific roles and responsibilities of the parties involved in the Project, communication protocols, pre-construction training, pre-construction logistics, and specific tasks that will be carried out during the monitoring.	Contractor, Qualified Archaeologist, Native American cultural resources monitor, FIGR Tribal representative	Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
	Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources If pre-contact or historic-era archaeological resources are encountered during Project implementation, all construction activities within 100 feet of the discovery shall halt, and a Secretary of the Interior-qualified archaeologist shall inspect the find within 24 hours of discovery and notify the County Department of Public Works project manager of their initial assessment. If the find is deemed pre-contact, a FIGR Tribal representative will be invited to evaluate the find. If the County determines, based on recommendations from a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American related), that the resource may qualify as a historical resource or unique archaeological resource (defined in State CEQA <i>Guidelines</i> Section 15064.5) or a tribal cultural resource (defined in PRC Section 21080.3), the resource shall be avoided, if feasible. If avoidance is not feasible, the County shall work with a qualified archaeologist and a FIGR Tribal representative (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts or adverse effects to the resource. This shall include documentation of the resource and may include data recovery, if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource.	Contractor, Professionally Qualified Staff, FIGR Tribal representative	Pre-construction, Construction
Geology and Soils	Mitigation Measure GEO-1: Treatment of expansive soils Expansive soils shall be addressed through treatment or removal, in order to reduce the potential for structural damage. Slabs-on-grade should have sufficient reinforcement and be supported on a layer of non-expansive fill. Treatment of expansive soil may include lime or other additives to reduce expansion potential. Footings should extend below the zone of seasonal moisture content variation. Expansive soils may also be replaced with a non-expansive fill material to a depth where the seasonal moisture content variation becomes relatively insignificant. The appropriate depth shall be determined by a qualified structural engineer. In addition, moisture changes in the surficial soils should be limited by directing drainage away from buildings, as well as limiting the water used for landscaping.	Marin County Department of Public Works, Contractor	Pre-Construction, Construction

Environmental Factor	Avoidance/Mitigation Measures	Responsible Party	Timing
	Mitigation Measure GEO-2: Discovery of Paleontological Resources Discovery of a paleontological specimen during any phase of the Project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact to a less than significant level.	Marin County Department of Public Works, Contractor, Professional Paleontologist	Pre-Construction, Construction
Tribal Cultural Resources	Mitigation Measure TCR-1: Geotechnical Drilling Investigation Due to the potential for intact buried pre-contact deposits to occur within the Project area, the County will conduct geotechnical drilling within the delineated boundaries of the archaeological sites identified within the Project limits where excavations are proposed to extend beyond the depth of the road section. The drilling will be conducted prior to the start of construction at those locations to help inform the Project design where deeper excavations may impact cultural and tribal cultural resources. The testing will be monitored by a qualified archaeologist and a FIGR tribal representative.	Contractor, Qualified Archeologist, FIGR Tribal Representative	Pre-Construction, Construction