

SAN ANSELMO FLOOD RISK REDUCTION PROJECT

Final Environmental Impact Report

Volume 1 – Revisions to the Draft Environmental Impact Report

State Clearinghouse No. 2017042041

Prepared for
Marin County Flood Control and Water
Conservation District

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CHAPTER 1

Introduction

1.1 Marin County Planning and Project Review Process

This Draft Environmental Impact Report (EIR) evaluates the potential for the proposed San Anselmo Flood Risk Reduction Project (Project) to result in adverse effects on the environment.

The Marin County Flood Control and Water Conservation District (Flood Control District), a political subdivision of the state of California, is the California Environmental Quality Act (CEQA) Lead Agency for the Project. A Lead Agency is defined by Section 15367 of the State CEQA *Guidelines* as the public agency that has the principal responsibility for carrying out or approving a Project.¹ The Flood Control District intends to use this EIR in a decision process that also involves the Marin County Board of Supervisors, acting as the Flood Control District Board, and Responsible Agencies, to approve the Project and its elements, issue applicable permits, and comply with various agency requirements. The Flood Control District's planning and approval process involves two main steps including (1) circulation of the Draft EIR, and (2) certification of the Final EIR and adoption of findings prior to approval of the Project. Multiple opportunities for the public to comment on the Project will be available during the review process.

On April 6, 2017, the Flood Control District issued a Notice of Preparation (NOP) of a Draft EIR for the Project pursuant to Section 15082 of the State CEQA *Guidelines* to seek comments from responsible and trustee agencies and the public about the scope of the EIR. The 30-day NOP comment period closed on May 8, 2017. During the comment period, on April 20, 2017, the Flood Control District held a public scoping session (meeting) regarding the Project to solicit agency and public input on the range of environmental effects that should be analyzed in the EIR. Oral comments were received at the scoping meeting, and additional written comments were received at and following the meeting. A scoping report containing the NOP and scoping comments received are included in **Appendix A**. The scoping report also identifies the Draft EIR sections that address the scoping issues raised in the comments received.

The Flood Control District is now circulating this Draft EIR to public agencies and members of the public for a 45-day public review period in accordance with State CEQA *Guidelines* Section 15087. Comments should address the adequacy of the Draft EIR. Written comments will be accepted by the Marin County Community Development Agency until 4 p.m. on the closing day of the review period (July 2, 2018). Written comments should be submitted to Rachel Reid,

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 *et seq.*

Environmental Planning Manager, Marin County Community Development Agency, 3501 Civic Center Drive, Suite 308, San Rafael, California, 94903 or via e-mail to EnvPlanning@marincounty.org. Oral and written comments will be accepted at a hearing on the Draft EIR by the Flood Control District's Board of Supervisors (Board), to be scheduled prior to the close of the review period.

After the close of the Draft EIR review period, the Flood Control District will assemble all comments received prior to and during the public review period, including oral comments received at the public hearing on the Draft EIR. As required by State CEQA *Guidelines* Section 15088, the Flood Control District will evaluate comments received on the environmental issues, and prepare written responses. The comments and responses will be included in the Final EIR as a separate chapter, as will any revised EIR text.

The Flood Control District will circulate the Final EIR to Responsible and Trustee Agencies that commented on the Draft EIR and all interested parties for a minimum of 10 days to review the responses to comments. The Flood Control District Board will hold a public hearing, at which time it will consider whether the Final EIR complies with CEQA, including reviewing written responses to comments on the adequacy of the Draft EIR. Notice of the public hearing will be provided in compliance with State law and the County's procedures.

Upon the conclusion of the review, the Flood Control District Board will meet to consider whether to certify the EIR. In certifying the EIR, the Flood Control District Board would be affirming that the EIR is adequate and complete pursuant to CEQA requirements. In conjunction with a decision on the project, the Flood Control District Board would also find that it reviewed and considered the information contained in the Final EIR and exercised its independent judgment prior to taking action on the Project or any of the Project elements (State CEQA *Guidelines* Section 15090).

No action can be taken to approve the Project or any of its elements until the Final EIR has been certified. However, certification of the EIR neither requires nor ensures approval of the Project and its elements as evaluated in the EIR. Once the EIR is certified, the Flood Control District Board may consider approval of the Project. At that time, the Flood Control District Board may decide to approve the Project, with mitigation measures specified in the Final EIR incorporated into the Project, to disapprove the Project, or to approve an alternative to the Project or elements of alternatives that have been evaluated in the Final EIR.

1.2 Project Approvals

Although the Flood Control District is the Lead Agency, other agencies will be involved in the ongoing design, planning, environmental review, permitting, and implementation of the Project. Before specific Project elements can be constructed, the Project may require the following approvals and discretionary actions from the Flood Control District and, as appropriate, from responsible agencies or project partners such as the Towns of San Anselmo, Fairfax, and/or Ross:

1. Project element design approval

2. Applicable permits
3. Contract(s) to design and construct the Project elements

Examples of the federal, state and local agencies that could have jurisdiction over Project elements and the various permits and agreements that could be required are listed below. Note that this is not an exhaustive list of all possible permits that could be needed.

1.2.1 Federal Agencies

1.2.1.1 U.S. Army Corps of Engineers (USACE)

Under Section 404 of the Clean Water Act, the USACE regulates discharges of dredged or fill material in waters of the United States, and adjacent wetlands. If any jurisdictional wetlands or other waters of the U.S. would be adversely affected by the Project, a Section 404 authorization from the USACE would be required.

1.2.1.2 U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries)

Because the Project would affect federally-protected wildlife species and/or associated protected habitats (e.g., nesting or spawning areas, migration corridors) that fall under USFWS or NOAA Fisheries jurisdiction under the federal Endangered Species Act, one or more Biological Opinions containing Incidental Take Permits are expected to be required. The USFWS and NOAA Fisheries would comment on the USACE permits to recommend actions that avoid or mitigate such disturbance.

1.2.1.3 Federal Emergency Management Agency (FEMA)

Because the Project would occur in a FEMA designated floodway, a No-Rise Certification may be required. To obtain this certification, a hydraulic analysis may be required to demonstrate that the project does not increase flood heights.

1.2.2 State and Local Responsible and Trustee Agencies

1.2.2.1 California Department of Fish and Wildlife (CDFW)

Because the Project would affect fish and wildlife and/or their habitats that are under the jurisdiction of CDFW, as a Trustee Agency, a California Endangered Species Act Incidental Take Permit would be required.² In addition, because the Project would substantially alter a stream, it is expected to require a CDFG Section 1600 Lake and Streambed Authorization Agreement (LSAA). CDFW would comment on the EIR and on the USACE permits to seek actions that avoid or mitigate impacts to resources under its jurisdiction.

² Pursuant to California Fish and Game Code Section 2081 et seq.

1.2.2.2 San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) administers the National Pollutant Discharge Elimination System (NPDES) Permit Program, authorized by the federal Clean Water Act, as well as State laws to protect water quality. The Project or its elements may require compliance with the NPDES Permit Program through preparation and approval of a Stormwater Pollution Prevention Plan, and would also require a federal Clean Water Act Section 401 Water Quality Certification from the RWQCB.

1.2.2.3 Local Municipalities

The Town of San Anselmo may be a Responsible Agency in the review of Project elements under CEQA.

1.3 Project EIR

The Flood Control District has determined that an EIR is the appropriate environmental document to evaluate the effects of the overall Project, pursuant to the requirements of CEQA. A Project EIR enables the Flood Control District, as the CEQA Lead Agency, to examine and disclose the significant environmental effects of the proposed course of action of developing the Project, to identify significant cumulative effects, and to take steps to reduce or avoid significant adverse environmental effects. The EIR also fulfills the legal requirement imposed by CEQA to conduct environmental review prior to taking discretionary action. In this case, the initial discretionary action is approval of the Project by the Flood Control District Board.

The timing of the preparation of this project-level Draft EIR does not allow it to tier from the program-level EIR that is currently underway for the Ross Valley Flood Protection and Watershed Program (Program).³ Instead, the full, project-level assessment of the Project elements in this Project EIR will inform the cumulative impacts analysis of the Program, of which this Project is a part, in the Program EIR. Similarly, the preparation of the Program EIR has involved developing basin-wide information and analysis for the Ross Valley Watershed as a whole that informs the project-level analysis in this Project EIR and has assisted in the environmental documentation of the project-level effects. The Program and Project EIRs will use the pertinent aspects of the same hydraulic modeling, baseline environmental conditions, regulatory settings, source documents, and other background information, because the San Anselmo Flood Risk Reduction Project is within the geographic area of the Ross Valley Flood Program.

The analysis included in this Draft EIR is at a project level of detail. This level of detail is required to identify and evaluate the range of elements and other actions needed to fulfill the Flood Control

³ “Tiering” under CEQA “refers to the analysis of general matters contained in a broader EIR with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project” (CEQA *Guidelines* Section 15152). CEQA encourages agencies to tier environmental analyses as a means to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for discussion.

District's objectives for the Project, as described in Section 3-3. The analysis evaluates all reasonably foreseeable impacts of the Project as currently designed.

1.4 Approach to Analysis

The fundamental purpose of an EIR is to inform the public and decision-makers of the potential effects of a proposed project on the physical environment. An EIR must therefore include a description of the “environmental setting” of a project (State CEQA *Guidelines*, Section 15125(a)). The “environmental setting” is defined as “the physical environmental conditions in the vicinity of the project, as they exist at the time the NOP is published...This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant” (*ibid*). Therefore, the physical conditions of the Project area, the various proposed elements, and the surrounding areas at the time that the NOP was issued constitute the baseline, or point of departure, for the environmental analysis.

1.5 Documents Incorporated by Reference in the EIR

An EIR may, “...incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public” (State CEQA *Guidelines* Section 15150). Portions of the documents that are relevant to the environmental analysis for the Project have been summarized in various sections throughout this Draft EIR, and are described below. All referenced documents are available at the Marin County Department of Public Works, 3501 Civic Center Drive, Suite 304, San Rafael, California, 94903, and on the Project website: <http://www.marinwatersheds.org/resources/projects/san-anselmo-flood-risk-reduction-project>. Since approval in 2007 of the storm drainage fee for those parcels that drain into the Ross Valley Watershed, the District has done extensive technical and planning studies in the watershed to inform the best approach to reducing the risk of flooding in Flood Zone 9. The findings of those studies have led to the overall Ross Valley Program as well as the San Anselmo Flood Risk Reduction Project that is under evaluation in this Draft EIR. A partial list of the completed and ongoing studies is provided below.

1. Ross Valley Flood Protection and Watershed Program Environmental Impact Report (Draft), ongoing.
2. Phoenix Lake Preliminary Geotechnical Report, Miller-Pacific Inc., May 2010.
3. Corte Madera Creek Flood Study Baseline Report, USACE, December 2010.
4. Capital Improvement Plan Study for Flood Damage Reduction and Creek Management for Flood Zone 9/Ross Valley, Stetson Engineers Inc., May 2011.
5. 10 Year Work Plan Technical Memo, Stetson Engineers Inc., March 2012.
6. Flow Reduction Study, CH2M-HILL, November 2015

1.6 Organization of the EIR

The Draft EIR is organized into seven chapters, preceded by the Table of Contents. A brief summary of the contents of the Draft EIR is presented below.

Chapter 1 – Introduction: The Introduction describes the Marin County Planning and Program review process as it pertains to the Project, presents the technical documents that are incorporated by reference into the Draft EIR (in accordance with State CEQA *Guidelines* Section 15150), and describes the organization of the Draft EIR. The Introduction also includes a glossary of terms and list of acronyms used in this Draft EIR.

Chapter 2 – Summary: The Draft EIR Summary, prepared in accordance with State CEQA *Guidelines* Section 15123, contains an overview of key elements of the Draft EIR, and a summary of the Project description and characteristics. An overview of Project objectives, with reference to the full text version, is provided pursuant to State CEQA *Guidelines* Section 15124. This chapter also presents a comprehensive table of all significant environmental impacts and mitigation measures, along with the level of significance before and after mitigation. This chapter also summarizes impacts of the CEQA alternatives as they compare to the proposed Project. Descriptions of growth-inducing impacts, irreversible environmental changes, and significant and unavoidable impacts are also provided in this chapter. Also discussed are major conclusions, areas of controversy, and issues to be resolved in the Draft EIR. Finally, the Project's consistency with County plans and policies is summarized.

Chapter 3 – Project Description: The Project Description is prepared pursuant to State CEQA *Guidelines* Section 15124 and contains text, figures, and tables conveying Project attributes. Specifically, this chapter includes the Project objectives, a description of the Project elements and locations, and a description of Project construction, operation, and maintenance.

Chapter 4 – Environmental Setting, Impacts, and Mitigation Measures: Chapter 4 contains the majority of the environmental impact evaluation for the Project. A description of the physical and regulatory setting for each environmental issue is provided, along with disclosure of the anticipated changes to physical conditions after Project implementation. The “environmental setting,” for purposes of this Draft EIR, consists of the existing physical conditions of the area affected by the project, including specific sites identified for Project elements and their surroundings.⁴ The impact analysis focuses on the potential changes to the physical environment that may result from the Project. Feasible mitigation measures are identified for significant impacts that would result from implementation of the Project, as appropriate.

Environmental impacts are numbered throughout this portion of the Draft EIR, beginning with the chapter section number, followed by sequentially numbered impacts. For example, the first impact in Section 4.3 (Air Quality and Greenhouse Gases) is impact number 4.3-1, and the second impact in this section is 4.3-2. Mitigation measures are numbered to correspond to

⁴ State CEQA *Guidelines* Section 15125(a).

impacts; therefore, mitigation measures to address Impacts 4.3-1 and 4.3-2 would be Mitigation Measures 4.3-1 and 4.3-2, respectively.

Chapter 5 – Growth-Inducing and Cumulative Effects: Chapter 5 includes CEQA-mandated sections examining the potential growth-inducing effects of the Project and the Project’s significant cumulative impacts. Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or compound other environmental impacts. In accordance with State CEQA *Guidelines* Section 15130, the analysis in Chapter 5 examines the Project’s potential impacts in connection with the effects of other related past, present, and probable future projects.

Chapter 6 – Alternatives: In accordance with State CEQA *Guidelines* Section 15126.6, Chapter 6 of the Draft EIR presents a range of reasonable alternatives designed to feasibly attain most of the basic objectives of the Project and avoid or substantially reduce one or more of the Project’s significant environmental effects. The potential environmental impacts of the alternatives are discussed in comparison to the impacts that would result from the Project, and the ability of the alternatives to meet the project objectives is presented.

Chapter 7 – Draft EIR Authors, Persons and Organizations Contacted: This chapter identifies the individuals who were involved in the preparation of the Draft EIR.

Appendices: The Draft EIR contains several appendices of technical or procedural materials that are pertinent to the analysis contained in the body of the document. See the Table of Contents for the full list of appendices.

1.7 Acronyms, Abbreviations, and Glossary

The following acronyms, abbreviations, and technical terms are used in the text of the Draft EIR.

1.7.1 Acronyms and Abbreviations

μPa	micro-Pascals
1600 Agreement	Streambed/Lake Alteration Agreement
634-636 San Anselmo Avenue	(formerly known as Bridge Building #2)
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	asbestos-containing materials
AR4	Fourth Assessment Report
ASBS	Area of Special Biological Significance
ASF	Age Sensitivity Factor
BAAQMD	Bay Area Air Quality Management District
Basin Plan	Water Quality Control Plan for the San Francisco Bay Basin

BASMAA	Bay Area Stormwater Management Agencies Association
Bay Area	San Francisco Bay Area
BayWAVE	Bay Waterfront Adaptation Vulnerability Evaluation
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
Cal OSHA	California Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Model
CalEMA	California Emergency Management Agency
California Register	California Register of Historical Resources
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFCP	California Farmland Conservancy Program
CFR	Code of Federal Regulations
CFS	cubic feet per second
CGP	Construction General Permit
CGS	California Geological Survey
CHRIS	California Historical Resources Information System
CMSA	Central Marin Sanitation Agency
CNDDB	California Nautral Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plants Society
CO	carbon monoxide
CON	Conservation
CoSMoS	Coastal Storm Modeling System
CPUC	California Public Utilities Commission
CRLF	California red-legged frog
CRPR	California Rare Plant Ranking

CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibels
dBA	A-weighted sound levels
DOC	Department of Conservation
DPM	diesel particulate matter
DWR	California Department of Water Resources
EAP	Energy Action Plan
EIR	environmental impact report
Environmental Checklist	State CEQA Guidelines, Appendix G
EPA	Environmental Protection Agency
ESA	Environmental Science Associates
ESCP	Erosion and Sediment Control Plan
FDS basin	flood diversion and storage basin
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIRMs	Flood Insurance Rate Maps
FIS	Flood Insurance Studies
Flood Control District	Marin County Flood Control and Water Conservation District
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
g	gravity
GHG	greenhouse gas
GWP	global warming potential
HFC	hydrofluorocarbons
HHW	household hazardous waste
HMBD	Hazardous Materials Business Plan
HRA	health risk assessment
HSWA	Hazardous and Solid Waste Amendments
Hz	Hertz
IPCC	International Panel on Climate Change
LBP	lead-based paint

Ldn	Day-Night Average Level
Leq	Equivalent Sound Level
LID	Low Impact Development
Lmax	Maximum Sound Level
Lmin	Minimum Sound Level
LOS	Level of Service
LU	Land Use
MALT	Marin Agricultural Land Trust
Marin County FCD	Marin County Flood Control District
MBTA	Migratory Bird Treaty Act
MCEP	Marin Climate and Energy Partnership
MCOSD	Marin County Parks and Open Space Department
MCSTOPPP	Marin County Stormwater Pollution Prevention Program
ML	Richter magnitude
MMWD	Marin Municipal Water District
MS4s	Small Municipal Separate Storm Sewer Systems
MTBE	methyl tertiary butyl ether
MTC	Metropolitan Transportation Commission
Mw	Moment Magnitude
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NALs	Numeric Action Limits
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO	nitric oxide
NO2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	notice of intent
NOX	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System Program

NSO	Northern spotted owl
NTU	Nephelometric Turbidity Units
Nursery Basin	flood diversion and storage basin at the former Sunnyside Nursery site
Nursery Basin site	former Sunnyside Nursery site
O&M Plan	Operation and Maintenance Plan
OEHHA	Office of Environmental Health Hazards Assessment
OEMS	Office of Emergency Medical Services
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyls
PFC	perfluorocarbons
PFS	Public Facilities and Services
PG&E	Pacific Gas and Electric Company
PGA	peak ground acceleration
PM10	particulate matter less than 10 microns in diameter
PM2.5	particulate matter less than 2.5 microns in diameter
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PRDs	permit registration documents
Project	San Anselmo Flood Risk Reduction Project
PSHA	probabilistic seismic hazard assessment
RCRA	Resource Conservation and Recovery Act
Region 2	San Francisco Bay Basin
ROG	reactive organic gases
Ross Valley Watershed	also called the Corte Madera Creek Watershed
RWQCB	Regional Water Quality Control Board
SAR	Second Assessment Report
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCA	Stream Conservation Area
SCAQMD	South Coast Air Quality Management District
SF6	sulfur hexafluoride

SFBAAB	San Francisco Bay Area Air Basin
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLR	sea level rise
SO ₂	sulfur dioxide
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
STLC	Soluble Threshold Limit Concentrations
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TAM	Marin County Congestion Management Agency
TAM	Transportation Authority of Marin
TMDL	Total Maximum Daily Load
TMP	Traffic Management Plan
TSCA	Toxic Substances Control Act
U.S. 101	United States Highway 101
Unified Program	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program
Update	2017 Climate Change Scoping Plan Update
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VdB	Root mean square velocity
WDRs	Waste Discharge Requirements
WPT	western pond turtle
Zero Waste Marin	Marin Hazardous and Solid Waste Management Joint Powers Authority
ZEV	zero-emission vehicles
µg/m ³	micrograms of lead per cubic meter

1.7.2 Glossary

100-year flood event: A flood that statistically has a 1-percent chance of occurring in any given year.

Aggradation: The act of raising the grade or level of a stream bed by depositing detritus, sediment, or the like.

Alluvial strata: Consists of unconsolidated mixtures of gravel, sand, clay, and silt typically deposited by streams.

Anadromous: Characterizes the life cycle of a fish that spawns in fresh water and spends a significant portion of its adult life in the ocean. Salmon and steelhead are anadromous.

A-weighted decibel (dBA): Since the human ear is not equally sensitive to all sound frequencies within the entire spectrum, human response is factored into sound descriptions in a process called “A-weighting,” expressed as “dBA.” The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies.

Backwater flooding: Upstream flooding caused by downstream conditions such as channel restriction and/or high flow in a downstream confluence stream.

Beneficial reuse: The use of byproducts or waste materials rather than discarding them.

Coarse sediment load: Particulate sediment, varying in size from sand to gravel, that is carried in the body of the flow.

Cofferdam: A watertight enclosure pumped dry to permit construction work below the waterline.

Dam inundation area: The specific areas of land that would become flooded and covered with water if a particular dam were to break or fail.

Emergent groundwater: Groundwater that emerges to the surface of the ground naturally, by an increase in infiltration from stormwater or other water source.

Flood diversion and storage basin: An above-ground, off-channel reservoir for storing diverted floodwaters from a stream.

Floodplain: An area of low-lying ground adjacent to a river, formed mainly of river sediments and subject to flooding.

Floodwalls: A primarily vertical artificial barrier designed to temporarily contain the waters of a river or other waterway which may rise to unusual levels during seasonal or extreme weather events.

Hydraulic capacity: The amount of water that can pass through a structure or watercourse.

Hydraulic constriction: A short reach of a creek where the cross-section is reduced.

Groundwater basin: An area underlain by permeable materials capable of furnishing a significant supply of groundwater to wells or storing a significant amount of water.

Landscape levees or berms: an earthen embankment built to prevent the overflow of a river.

Level of service (LOS): A qualitative description of a facility's performance based on average delay per vehicle, vehicle density, or volume-to-capacity ratios. Levels of service range from LOS A, which indicates free-flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays.

Regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riparian: The land adjacent to a natural watercourse such as a river or stream. Riparian areas support vegetation that provides important wildlife habitat, as well as important fish habitat when sufficient to overhang the bank.

Scour protection: Rock, riprap, or similar materials added to edge of a waterway to protect the banks.

Sediment deposition: The process by which sediment, including soil and rocks, are deposited on the creek bottom due to a loss of kinetic energy in the water.

Shallow seepage cutoff wall: a wall constructed below grade as part of a levee to prevent water from seeping out from below or the sides of the levee.

Sheetflow flooding: Floodwater flows that spread out over a large area at a uniform depth.

Side-weir: A flood control structure used to divert flow from the main channel to another location, such as a FDS basin.

Special-status species: Several species known to occur within the general region of the program area are accorded "special status" because of their recognized rarity or vulnerability to habitat loss or population decline. Some of these species receive specific protection in federal and/or state endangered species legislation. Others have been designated as "sensitive species" or "species of special concern" on the basis of adopted policies of federal, state, or local resource agencies. These species are referred to collectively as "special-status species."

Streamflow gage: A tool to measure stream water height, and thereby measure the amount of water in the stream.

Threshold conveyance capacity: The flow a creek channel can contain before overtopping its banks.

Watershed: The region or area drained by a river, stream, etc.; drainage area.

CHAPTER 2

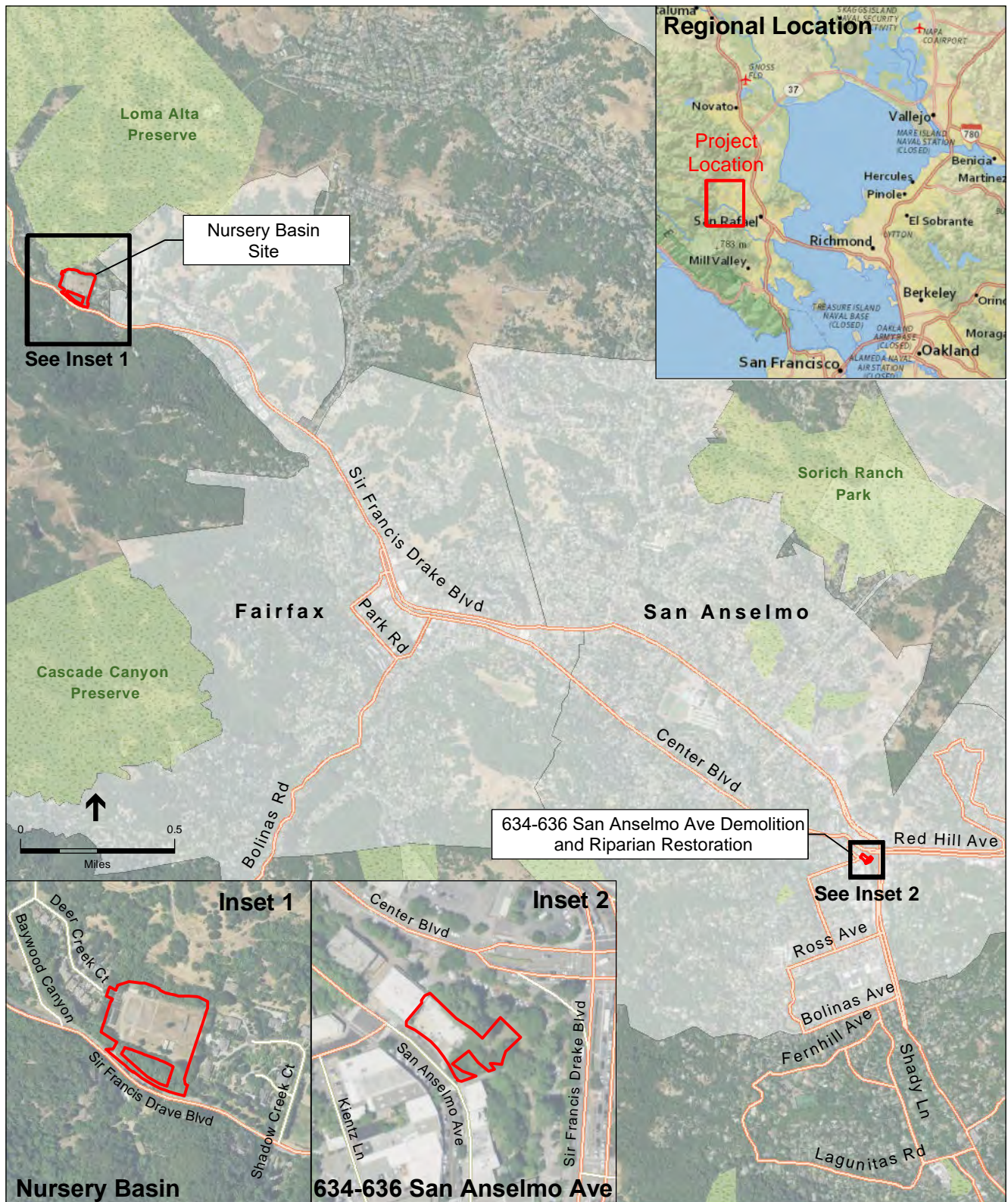
Summary

This summary chapter is provided in accordance with State CEQA *Guidelines* Section 15123. As stated in State CEQA *Guidelines* Section 15123(a), “[a]n EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical.” State CEQA *Guidelines* Section 15123(b) states, “[t]he summary shall identify: (1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and (3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” Accordingly, this summary includes a brief synopsis of the proposed Project and project alternatives, environmental impacts and mitigation measures, cumulative effects and mitigation measures, areas of known controversy, and issues to be resolved in the Environmental Impact Report (EIR). **Table 2-1**, at the end of this chapter, presents the summary of potential environmental impacts, their level of significance before mitigation, mitigation measures, and levels of significance with mitigation.

2.1 Summary of Project

The Marin County Flood Control and Water Conservation District (Flood Control District) proposes the San Anselmo Flood Risk Reduction Project (Project). The primary purpose of the Project is to substantially reduce the frequency and severity of flooding within portions of the San Anselmo Creek and Fairfax Creek subwatersheds in Ross Valley, which is another name for the watershed drained by Corte Madera Creek. As described in full in Chapter 3, *Project Description*, the Project would be built and operated in two locations (see **Figure 2-1**). The first (shown in **Figure 2-2**) is at the former site of the Sunnyside Nursery in unincorporated Marin County, adjacent to the western border of the Town of Fairfax. The second location (shown in **Figure 2-3**) is at 634-636 San Anselmo Avenue in downtown San Anselmo along San Anselmo Creek. The Flood Control District would implement this Project to reduce flood risk by (1) reducing peak discharge by attenuating flows through use of a flood diversion and storage (FDS) basin at the former Nursery site along Fairfax Creek, and (2) increasing creek capacity by removing existing obstructions to creek flow (a “building bridge” that spans San Anselmo Creek and has its foundations in the channel) and then regrading and improving the creek channel.

This Project’s FDS basin would be located immediately adjacent to Fairfax Creek. It would be built below the existing grade by excavating the site to create a space for storing diverted flows. A diversion structure in Fairfax Creek would have openings to allow normal flows to pass but would detain higher flows, causing them to pond in the channel and spill over a side-weir into the basin. When peak flows have passed, the diverted water would drain from the basin back into



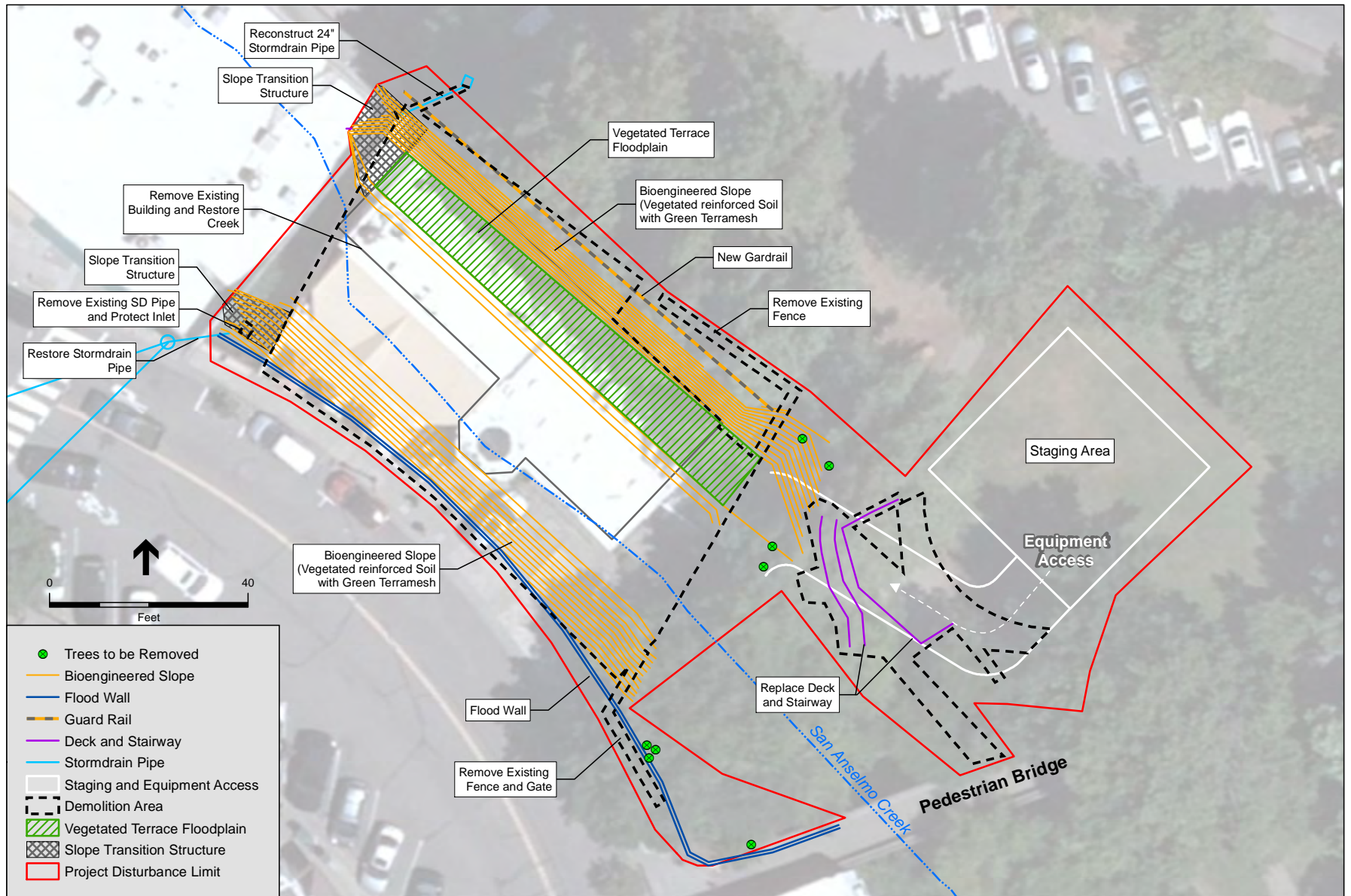
SOURCE: CH2M

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 2-1
Project Location



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SOURCE: Marin County, 2018

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 2-3

634-636 San Anselmo Avenue (Downtown San Anselmo Site) Plan

Fairfax Creek, downstream of the diversion structure. This temporary diversion and storage would reduce the risk of downstream flooding by taking that water out of the creek system until peak flows had passed.

Creek capacity improvements are typically made by widening and/or deepening certain sections of creeks and/or by modifying or removing bridges, culverts, buildings, or bank protection structures that encroach into the creek. These structures often encroach into the creek, restrict flows, and cause water to back up and overtop creek banks during large flood events. In downtown San Anselmo, there are several of these constrictions; the building at 634-636 San Anselmo Avenue has a deck that extends two feet below the other buildings. That building and its footings and foundations would be removed, and the creek channel would be sloped back and bioengineered using bio-stabilization slope protection methods to restore the creek banks. This would allow flows to pass downstream and thus reduce flooding in downtown San Anselmo.

2.2 Summary of Impacts and Mitigation Measures

Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, describes in detail the environmental impacts that would result from implementation of the proposed Project. Impacts of a proposed project may be classified as either (1) less than significant (adverse effects that are not substantial according to CEQA); (2) significant (substantial or potentially substantial adverse changes in the environment, for which feasible mitigation measures must be identified to reduce those impacts to less-than-significant levels); or (3) significant and unavoidable (substantial or potentially substantial adverse changes in the environment that cannot feasibly be reduced with mitigation measures to a less-than-significant level). Significant unavoidable adverse impacts, growth-inducing impacts, and significant irreversible environmental changes that would occur with implementation of the proposed Project are discussed below. Growth-inducing and cumulative impacts of the Project are discussed in Chapter 5.

Table 2-1, at the end of this chapter, summarizes the Project's environmental impacts (including cumulative impacts), the level of significance before mitigation, mitigation measures, and the level of significance after mitigation. Please refer to Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, and Chapter 5, *Growth-Inducing and Cumulative Effects*, for a detailed discussion of these issues.

2.3 Summary of Significant Unavoidable, Growth-Inducing, and Cumulative Impacts

This section summarizes the significant unavoidable adverse impacts, growth-inducing impacts, and cumulative impacts of the Project.

2.3.1 Significant Unavoidable Impacts

State CEQA *Guidelines* Section 15126.2(b) requires that an EIR describe the significant impacts of a proposed project, including those that cannot be fully mitigated. In some cases, no feasible

mitigation measures are available to reduce the environmental impacts to a less-than-significant level. In other cases, mitigation measures may be available in connection with the project, but they would not reduce an impact to a less-than-significant level or would substantially alter the basic project characteristics. In both cases, impacts are considered to be significant and unavoidable. This EIR finds that the following significant unavoidable impact would occur if the project were to be implemented:

Hydrology and Water Quality

Impact 4.9-4: Removal of the building at 634-636 San Anselmo Avenue in downtown San Anselmo would lead to small increases in inundation depths and/or small increases in the extent of flooding from San Anselmo Creek in the 25-year event and the 100-year event (Significant), but would also reduce localized flooding by adding more creek capacity upstream and downstream (Beneficial). As noted in Table 2-1, these adverse effects would take place on a small number of parcels, compared to the several hundred on which flooding would decrease. A similar effect would occur upstream of the proposed FDS basin at the former Sunnyside Nursery site adjacent to Fairfax Creek. As explained in Section 4.9, *Hydrology and Water Quality*, of the EIR, this element of the proposed Project would cause sediment deposition in the Fairfax Creek channel, which could cause occasional increases in the extent of flooding on one or two parcels there (Significant).

The Flood Control District has identified a potential mitigation measure to reduce this adverse effect (in both of those locations) to a less-than-significant level, but it would require the cooperation of those private property owners to allow the installation of a flood barrier on their properties. Because this measure cannot be required by the Flood Control District, this impact must be considered significant and unavoidable.

However, in the expected future condition, as discussed in Chapter 5, *Growth-Inducing and Cumulative Impacts*, this significant and unavoidable impact would be avoided in the San Anselmo Creek location by the removal of several other flow-constraining bridges over San Anselmo Creek and associated tributaries. Removal of those bridges would allow flows to pass safely downstream within the creek channel. Because those are separate projects within the responsibility and jurisdictions of other agencies, not the Flood Control District, their implementation cannot be assumed, and the impact remains significant and unavoidable.

2.3.2 Growth-Inducing Impacts

Chapter 5, *Growth-Inducing and Cumulative Impacts*, discusses the growth-inducement potential of the Project. It explains that the Project would not involve any housing construction, road extension, permanent or temporary employment opportunities, or any infrastructure improvements that could directly or indirectly induce growth. The Project would reduce flood risk in existing developed areas and in areas already anticipated for growth in the Marin Countywide Plan. Consequently, implementation of the proposed project would not affect current and/or projected population growth patterns within Marin County as already evaluated and planned for in the Countywide Plan and, therefore, would not have a growth-inducing impact.

2.3.3 Cumulative Impacts

Chapter 5, *Growth-Inducing and Cumulative Impacts*, of this EIR discusses the analysis of cumulative impacts from the Project. Cumulative impacts, as defined in Section 15355 of the State CEQA *Guidelines*, refer to two or more individual effects that, when taken together, are “considerable” or that compound or increase other environmental impacts. Cumulative impacts were analyzed based on a list of past, present, and probable future projects producing related or cumulative impacts. These impacts were analyzed for whether they were “cumulatively considerable” (i.e., whether the incremental effects of this individual project are considerable when viewed in connection with the effects of past, current, and probable future projects, including those outside the control of the agency.).

That analysis found that the Project would not cause a new cumulative impact or make a considerable contribution to an existing cumulative impact. That determination was made in some cases because there is no cumulative impact to which the Project could contribute. In other cases, the Project’s impacts, either on their own or after implementation of project-level mitigation measures, would not make a considerable contribution to a cumulative impact.

2.4 Summary of Plan and Policy Consistency

Section 4.10, *Land Use and Planning*, of this EIR evaluates whether the Project would conflict with the Marin Countywide Plan, the Marin County Development Code (Zoning and Subdivision Regulations), the Town of San Anselmo General Plan, or the Town of Fairfax General Plan. That analysis concludes that the Project would not conflict with applicable policies and regulations (see Section 4.10 for details). Appropriate decision makers in the Flood Control District (the CEQA lead agency), Marin County, and the Town of San Anselmo (expected to be a responsible agency under CEQA) will review the Project to make final determinations about the Project’s consistency with all policies.

2.5 Summary of Alternatives to the Project

This EIR examines the following four alternatives to the Project. These alternatives are summarized below, and Chapter 6, *Alternatives* presents a complete description of them. In that chapter, **Figures 6-1** and **6-2** show Alternative 2 and its changes in design or location in relation to the Project. **Figure 6-3** shows Alternative 3 and the bridge structure’s reinforced concrete decks. **Figure 6-4** shows the larger FDS basin associated with Alternative 4.

2.5.1 Alternative 1: No Project Alternative

Inclusion and evaluation of the No Project Alternative in an EIR is required by CEQA. This alternative would avoid the adverse environmental impacts of the Project’s construction and operation. In the No Project Alternative, there would be no construction actions taken or changes to the existing flood risk management system or its current operations, maintenance, or management practices. There would be no FDS basin at the former Sunnyside Nursery site to temporarily detain peak stormwater runoff. The building at 634-636 San Anselmo Avenue would

remain. The Flood Control District and the Town of San Anselmo's Public Works Department would continue to maintain creek channels, bridges, culverts, and other parts of the existing system as they do now. Because none of the flood risk hazard reduction benefits of the proposed Project would occur under the No Project Alternative, existing flood risk in San Anselmo would persist.

2.5.2 Alternative 2: Morningside Neighborhood/Passive Basin Alternative

The Morningside/Passive Basin Alternative would have a smaller capacity FDS basin without a diversion structure built in Fairfax Creek. Filling of the basin would thus be "passive". This basin design would involve placement of less fill and reduced construction and maintenance actions within the creek channel, as compared to the proposed Project. Also, instead of removing the building at 634-636 San Anselmo Avenue, this alternative would remove or replace two flow-constraining bridges on Sleepy Hollow Creek, a tributary to San Anselmo Creek, in the Morningside Neighborhood. Compared to the proposed Project, this project would decrease many impacts related to aesthetics, biological resources, hydrology and water quality, and some aspects of noise. However, this alternative would have greater impacts than the proposed Project related to daily air quality and greenhouse gas emissions, land use, noise and vibration, and transportation and circulation. Importantly, because there would not be a diversion structure in Fairfax Creek, the proposed Project's significant and unavoidable impact associated with upstream flooding following sediment deposition in the creek channel would be avoided. However, downstream, in the Towns of Fairfax and San Anselmo, it would not reduce existing flood risk as much as the proposed Project would, and it would increase flood risk in some places more than the proposed Project would.

2.5.3 Alternative 3: Raised Building Alternative

The Raised Building Alternative would have the same design for the FDS basin as the proposed Project would, but instead of removing the building at 634-636 San Anselmo Avenue, it would raise it, retain it in place, and remove its foundation from the creek channel. This alternative was developed in response to community interest in preserving rather than removing that building. Because this alternative would preserve and replace the building supports, it would not include the restoration improvements to San Anselmo Creek described in Chapter 3, *Project Description* (i.e., regrading and sloping portions of both banks of the channel with bio-stabilization protection methods and vegetating the slopes with riparian woodland shrubs). This alternative would reduce the Project's impacts related to aesthetics, land use (community character portion), biological resources, geology and soils, and hazardous building materials by retaining the building and diminishing the degree of change. However, the alternative would cause slight increases in impacts related to longer construction periods, including total air quality and greenhouse gas emissions, and transportation and circulation. This alternative would have the same changes to flood risk (both beneficial and adverse) as the proposed Project would.

2.5.4 Alternative 4: Increased Capacity Basin Alternative

The Increased Capacity Basin Alternative would make the same changes to San Anselmo Creek in downtown San Anselmo as the proposed Project (i.e., removing the building at 634-636 San Anselmo Avenue and making other creek capacity and channel improvements), but it would construct a larger capacity FDS basin at the former Sunnyside Nursery site. A pump would be installed to fully drain the deeper basin when needed. Implementation of the Increased Capacity Basin Alternative would remove more area from the 10-year floodplain and would reduce the depth of inundation more than the proposed Project. During the 25-year event, it would reduce the depth of inundation over a larger area in Fairfax and much of downtown San Anselmo than the proposed Project. In the vicinity of the Winship Bridge, it would result in increased inundation depth and extent, as would the proposed Project, but compared to the proposed Project, this increase in inundation could be slightly lessened. During the 100-year event, similar to the proposed Project, this alternative would not substantially reduce the extent of inundation in Fairfax or San Anselmo. This alternative would result in greater impacts than the proposed Project related to air quality and greenhouse gas emissions, biological resources, energy, hydrology and water quality, noise, public services, and transportation and circulation related to construction and operation of the increased capacity basin.

2.5.5 Comparison and Conclusion Regarding Alternatives to the Project

The environmental impacts of the action alternatives vary; as a result, there are trade-offs in the environmental impacts of each, summarized below.

Flood Risk. Reduction in flood risk (extent and inundation depth) in the Fairfax-San Anselmo area is the fundamental purpose and key environmental benefit, in terms of avoided impacts, of the proposed Project. Most of the alternatives provide similar flood risk reduction except for the Morningside/Passive Basin Alternative, due to the reduced capacity provided by the FDS basin in that alternative and because of the different hydrologic effects of shifting the creek capacity improvements into Sleepy Hollow Creek. Also, some of the benefits in reduced flood risk would occur in a portion of the Morningside neighborhood instead of in downtown San Anselmo. As discussed in Section 4.9, Hydrology and Water Quality (Impact 4.9-4), the only significant and unavoidable impact of the proposed Project is that it could increase flood risk in two locations. This impact could be avoided in one of these locations (the San Anselmo area) if removal of the Winship Bridge from San Anselmo Creek (described in Chapter 5) were to be completed prior to removal of 634-636 San Anselmo Avenue. This is expected to happen in time to avoid this potential effect, but that is not certain. That external project would not affect the potential for backwater flooding along Fairfax Creek upstream of the FDS basin site, and so Mitigation Measure 4.9-4 is the only option to reduce this impact to a less-than-significant level.

FDS Basin Elements. Among the FDS basin elements considered, the severity and magnitude of many construction- and operational-phase impacts at and in the vicinity of the FDS basin site would generally be less with the passive basin than with either the proposed Project or the Increased Capacity Basin Alternative because construction of the diversion structure would not

occur, resulting in less extensive conversion and disturbance of aquatic and riparian habitat and associated special-status species within Fairfax Creek, as well as less tree removal. The passive basin would also reduce operational impacts associated with the need to periodically remove deposited sediment from behind the diversion structure; this annual removal of deposited material would be a recurring impact to the stream channel, water quality, and aquatic and amphibian wildlife species. The different basin designs are otherwise quite similar in both the proposed Project and the action alternatives with regard to increases in scour/erosion potential and other hydraulic impacts.

Creek Capacity Elements. The severity and magnitude of impacts to the natural (as opposed to human) environment would be somewhat less in the Morningside/Passive Basin Alternative than with either the proposed Project or the Increased Capacity Basin Alternative because the extent of disturbance to stream habitat would be less. However, implementing creek capacity improvements on Sleepy Hollow Creek instead of on San Anselmo Creek at the downtown location would shift impacts to a location surrounded by residences, which are more sensitive to construction-phase disturbance (e.g., noise and vibration, transportation, land use) than commercial uses are. Under the Raised Building Alternative, almost all of the impacts attributable to the Downtown San Anselmo Element of the proposed Project also would occur; consequently, this alternative offers little environmental advantage, though it would have somewhat reduced impacts due to changes in community function and character and visual impacts (both of which would be less than significant in the proposed Project) from retaining the existing building.

Environmentally Superior Alternative. Pursuant to the State CEQA *Guidelines*, this EIR identifies the “Environmentally Superior Alternative”. Based on a comparison of impacts discussed in Chapter 6, *Alternatives*, the EIR finds that – of the alternatives described in Chapter 6, Alternatives – the Morningside/Passive Basin Alternative would be environmentally superior to the proposed Project and the other alternatives because it would eliminate one of the two small areas where the Project would have a significant and unavoidable impact (i.e., the backwater flooding from Fairfax Creek upstream of the project site). Because the Morningside/Passive Basin Alternative is the only alternative that does not include the diversion structure in Fairfax Creek, it is the only alternative that would avoid that impact. Therefore, it is the environmentally superior alternative among those developed for the alternatives analysis in Chapter 6. However, the Morningside/Passive Basin Alternative would also increase flood risk in portions of downtown San Anselmo that would not be adversely affected by the proposed Project, and it would not wholly avoid the significant and unavoidable impact of increased flood risk near the Winship Bridge.

A more environmentally superior alternative could be formed from combining the passive basin component of the Morningside/Passive Basin Alternative with the Downtown San Anselmo Element of the proposed Project. Based on the environmental trade-offs described above, this combined alternative would reduce construction impacts on biological, water quality, and most hydrologic impacts, including the sediment deposition and backwater flooding upstream of the project site on Fairfax Creek, compared to the proposed Project. It would also reduce flood risk compared to existing conditions, although not be as much as the proposed Project. This combination was not one of the initial alternatives because the modeling of all of the combinations of different design elements was not completed when this alternatives analysis began.

2.6 Significant Irreversible Environmental Changes

Construction activities associated with the proposed Project would result in an irretrievable and irreversible commitment of natural resources through direct consumption of fossil fuels and use of materials. However, the energy consumption for construction would not result in long-term depletion of non-renewable energy resources and would not permanently increase reliance on energy resources that are not renewable. Construction activities would not reduce or interrupt existing electrical or natural gas services such that existing supplies would be constrained.

Project operations that would affect irretrievable resources would be limited to annual maintenance activities. Maintenance activities would result in irreversible and irretrievable use of energy and material resources, and conversion of land use from commercial uses to flood management uses.

The use of nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Similarly, the conversion of one parcel of land from its former commercial land use to a flood management facility would not affect the availability of commercially zoned parcels in Marin County, Ross Valley as a whole, or in the adjacent Town of Fairfax.

2.7 Areas of Known Controversy

On April 6, 2017, the Flood Control District issued a Notice of Preparation (NOP) of a Draft EIR for the Project pursuant to Section 15082 of the State CEQA *Guidelines* to seek comments from responsible and trustee agencies and the public about the scope of the EIR. The 30-day NOP comment period closed on May 8, 2017. During the comment period, on April 20, 2017, the Flood Control District held a public scoping session (meeting) regarding the Project to solicit agency and public input on the range of environmental effects that should be analyzed in the EIR. Oral comments were received at the scoping meeting, and additional written comments were received at and following the meeting. The topics commented on – and thus the main areas of potential controversy – were these:

1. Increased flood risk downstream of project sites
2. Liquefaction from a potentially-raised water table due to the FDS basin at the Nursery site
3. Loss of business revenue along San Anselmo Avenue due to construction and removal of the building at 634-636 San Anselmo Avenue.
4. Impacts to creek ecosystem and water quality from the project, including both in-stream structures and increased flows causing erosion
5. Opposition to FDS basins due to safety, recreation, and aesthetic concerns

A scoping report containing the NOP and scoping comments received are included in **Appendix A**. The scoping report also identifies the Draft EIR sections that address the scoping issues raised in the comments received.

2.8 Major Conclusions and Issues to be Resolved

The following major conclusions and issues to be resolved are derived from the analysis in the EIR. The major conclusions of the EIR are presented first, followed by the issues to be resolved. The issues are presented to highlight the topics on which the decision-makers may want to focus special attention.

2.8.1 Major EIR Conclusions

The EIR evaluates a total of 62 project-based potential adverse environmental impacts. Of these, 24 are identified as significant impacts. Feasible mitigation measures are available to reduce all but one of the Project's significant project-based effects to a less-than-significant level. The EIR also evaluates cumulative impacts of the Project in combination with other related past, present, and probable future projects, and identifies one significant cumulative impact. The Project's contribution to this impact would not be cumulatively considerable with implementation of mitigation.

Although the Project would result in a net reduction in flooding for the 10-year and 25-year storms, the Project would result in some new flooding downstream of the Project area, north of the Sir Francis Drake Bridge and east of Sir Francis Drake Boulevard, and upstream of the Nursery Basin site, during the 25-year flood event. This impact can be mitigated to less than significant with the installation of flood barriers, and for areas in Ross and San Anselmo, could be avoided in the cumulative scenario. However, because the Flood Control District cannot fully control implementation of the flood barriers (on private property) and because the cumulative scenario bridge replacement projects are within the responsibility and jurisdiction of other agencies, not the Flood Control District, the Project's impact related to flooding remains significant.

2.8.2 Issues to be Resolved

Draft EIR Section 4.9, Hydrology and Water Quality, identified a significant and unavoidable flooding impact on select parcels in unincorporated Marin County (east of the Town of Fairfax), the Town of San Anselmo, and the Town of Ross. Implementation of the passive basin (as evaluated in Alternative 2) would avoid this impact in unincorporated Marin County because the diversion structure would not be included in the basin design. However, the passive basin design would not retain as much water as the proposed Project basin design; therefore, fewer areas downstream would experience reduced flood risk compared with the Project if the passive basin is selected.

Further, in the proposed Project or any alternative to it analyzed in the EIR, there are small areas along San Anselmo Creek in the Town of San Anselmo and the Town of Ross that would have slightly higher peak flood elevations in large flood events (e.g., the 25-year event). While adequate mitigation measures (the flood barriers described in Section 2.8.1) are available to reduce this impact to less-than-significant levels, the Flood Control District cannot enforce those measures on private property owners without their permission.

The Flood Control District's Board of Supervisors will need to consider whether to adopt a statement of overriding considerations, prior to approving the Project, stating the reasons why the benefits of the Project outweigh its significant unavoidable impacts as identified in this EIR and/or adopt feature of one or more of the alternatives that would further reduce this impact.

2.9 Effects Found Not to be Significant

The impact analysis determined that in six of the 14 resource areas, impacts would be either less than significant or have no impact, generally due to the project's required compliance with applicable regulations protecting these resources, incorporation of project-specific control measures, and/or the limited extent that the existing resource would be affected by the project. These resource areas are:

1. Aesthetics and Visual Resources
2. Cultural Resources
3. Geology, Soils, and Seismic Hazard
4. Land Use and Planning
5. Population and Housing
6. Public Services and Utilities

The remaining eight resource area impacts would be mitigated to a less-than-significant level with implementation of identified mitigation measures. The EIR identified significant impacts that could be mitigated to a less-than-significant level with implementation of mitigation measures in the following areas:

1. Air Quality and Greenhouse Gas Emissions
2. Energy, Mineral, Forest, and Agricultural Resources
3. Biological Resources
4. Hazards and Hazardous Materials
5. Hydrology and Water Quality
6. Noise and Vibration
7. Parks and Recreation
8. Transportation and Circulation

Table 2-1 at the end of this chapter includes summary discussions of these impacts and their mitigation measures.

2.10 Other Social and Economic Impacts Found Not to Be Significant

State CEQA *Guidelines* Section 15382 provides that “[a]n economic or social change by itself shall not be considered a significant effect on the environment.” However, physical impacts associated with social or economic changes may be considered significant. Pursuant to State CEQA *Guidelines* Section 15382, purely economic or social impacts would not be considered significant impacts of the proposed Project, and are not, therefore, addressed in this EIR. This EIR evaluates all physical impacts that would result from the proposed Project and has not identified any physical impacts associated with substantial social or economic changes. The Flood Control District has an option to purchase the building at 634-636 San Anselmo Avenue from its owner and is committed to providing relocation assistance for the current tenant businesses at that location. The removal of a single commercial building from the downtown San Anselmo area would not be sufficient to cause a significant social or economic change that would lead to a significant environmental effect that was not analyzed in the EIR.

2.11 Mitigation Monitoring and Reporting Program

In conformance with California Resources Code Section 21081.6, a Mitigation Monitoring and Reporting Program has been prepared for the Project, if approved. The purpose of the program would be to ensure compliance with the mitigation measures incorporated into the Project and set forth in this EIR. The Mitigation Monitoring and Reporting Program is presented in **Appendix E**.

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Aesthetics and Visual Resources		
Impact 4.2-1: The Project would not have a substantial adverse effect on a publicly-accessible scenic vista.	LTS	No mitigation required.
Impact 4.2-2: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view of a designated scenic public highway.	LTS	No mitigation required.
Impact 4.2-3: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings, including alteration of the built environment or land use patterns.	LTS	No mitigation required.
Impact 4.2-4: The Project would not create a new source of substantial light, glare, or shadow which would adversely affect day or nighttime views in the area.	LTS	No mitigation required.
Air Quality and Greenhouse Gas Emissions		
Impact 4.3-1: Construction of the Project would generate criteria pollutant emissions that could exceed air quality standards or contribute substantially to an existing or projected air quality violation.	LSM	<p>Mitigation Measure 4.3-1: BAAQMD Basic Construction Measures.</p> <p>To limit dust, criteria pollutants, and precursor emissions associated with construction, the following BAAQMD-recommended Basic Construction Measures shall be implemented and included in all contract specifications for components constructed under the Project:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per 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 15 mph. 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Air Quality and Greenhouse Gas Emissions		
Impact 4.3-1 (cont.)		<p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>Post a publicly visible sign with the telephone number and person to contact at the Flood Control District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</p>
Impact 4.3-2: Construction of the Project would result in emissions that could conflict with the 2017 Clean Air Plan.	LSM	Mitigation Measure 4.3-1: BAAQMD Basic Construction Measures (refer to Impact 4.3-1 above)
Impact 4.3-3: Operational activities proposed under the Project would generate criteria pollutant emissions that would not exceed air quality standards and conflict with the 2017 Clean Air Plan.	NI	No mitigation required.
Impact 4.3-4: Construction of the Project could expose sensitive receptors to toxic air contaminants, including diesel particulate matter emissions.	LSM	<p>Mitigation Measure 4.3-4: Tier 4 Engines for Construction Equipment.</p> <p>All off-road equipment greater than 25 horsepower that operates for more than 20 total hours over the entire duration of construction activities shall have engines that meet the USEPA or CARB Tier 4 interim or Tier 4 Final off-road emission standards.</p>
Impact 4.3-5: Construction of the Project would not result in objectionable odors.	LTS	No mitigation required.
Impact 4.3-6: Construction and operation of the Project would result in GHG emissions that would not have a significant impact on the environment or conflict with applicable plans and policies in place to reduce GHG emissions.	LTS	No mitigation required.
Energy, Mineral, Forest and Agricultural Resources		
Impact 4.4-1: Implementation of the Project could use energy, oil, or natural gas in an inefficient manner; encourage activities that would result in the use of large amounts of energy, oil, or natural gas; result in the energy supplier not having the capacity to supply the Project's energy needs with existing or planned supplies; or require the development of new energy resources.	LSM	Mitigation Measure 4.3-1: BAAQMD Basic Construction Measures (refer to Impact 4.3-1 above)

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources		
<p>Impact 4.5-1: Project implementation could have substantial adverse effects on special-status aquatic species or habitats.</p>	LSM	<p>Mitigation Measure 4.5-1a: Seasonal Avoidance of Sensitive Aquatic Species.</p> <p>In-water construction work, including activities on the banks that are expected to create turbidity or disturb the streambed, shall be conducted within resource agency-approved work windows intended to reduce potential impacts on salmonids (generally limiting work to the period between June 15 and October 15) with resource agency concurrence for the following exceptions:</p> <ol style="list-style-type: none"> 1. Removal of debris, foundations or other manmade materials from the creek bed may continue year-round, in areas of the stream which are dry and where such activity shall not create turbidity. 2. Tree removal and invasive species removal may take place year-round, providing the area is free of nesting birds and roosting bats as provided under Mitigation Measure 4.5-4. 3. Revegetation activities may occur year-round. <p>Mitigation Measure 4.5-1b: Relocation of Special-Status Fish.</p> <p>If in-channel work requires dewatering, including for sediment removal maintenance activities, fish shall be captured and relocated downstream of the Project areas to avoid injury and mortality and minimize disturbance. The Flood Control District shall implement the measures below, or whatever more stringent species preservation and avoidance measures are imposed by resource agencies, including NMFS and CDFW, with jurisdiction over aquatic special-status species.</p> <ol style="list-style-type: none"> 1. The name(s) and credentials of qualified biologist(s) to act as construction monitors shall be submitted to CDFW and NMFS for approval at least 15 days before construction work begins. 2. Prior to and during the initiation of construction activities, qualified fisheries biologist (i.e., approved by CDFW and/or NMFS) shall be present during installation and removal of creek diversion structures. 3. For sites that require flow diversion and exclusion, the work area shall be blocked by placing fine-meshed nets or screens above and below the work area to prevent salmonids from re-entering the work area. To minimize the potential for re-entry, mesh diameter shall not exceed 1/8 inch. The bottom edge of the net or screen shall be secured to the channel bed to prevent fish from passing under the screen. Exclusion screening shall be placed in low velocity areas to minimize fish impingement against the mesh. Screens shall be checked periodically and cleaned of debris to permit free flow of water. 4. Before removal and relocation on individual fish begins, a qualified fisheries biologist shall identify the most appropriate release location(s). In general, release locations should have water temperatures similar to (<3.6°F difference) the capture location and offer ample habitat (e.g., depth, velocity, cover, connectivity) for released fish, and should be selected to minimize the likelihood of reentering the work area or becoming impinged on exclusion nets or screens. 5. The means of capture shall depend on the nature of the work site, and shall be selected by a qualified fisheries biologist as authorized by CDFW and NMFS. Complex stream habitat may require the use of electrofishing equipment, whereas in outlet pools, fish and other aquatic species may be captured by pumping down the pool and then seining or dip netting. Electrofishing, if necessary, shall be conducted only by properly trained personnel holding current permits from CDFW and NMFS and following the most recent NMFS electrofishing guidelines (NMFS, 2000). 6. Initial fish relocation efforts shall be performed several days prior to the scheduled start of construction. Flow diversions and species relocation shall be performed during morning periods. The fisheries biologist shall survey the exclusion screening throughout the diversion effort to verify that no special-status fish, amphibians, or aquatic invertebrates are present. Afternoon pumping activities

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-1 (cont.)		<p>shall be limited and pumping shall be suspended when water temperatures exceed 18 degrees Celsius (64.5° F). Water temperatures shall be measured periodically, and flow diversion and species relocation shall be suspended if temperatures exceed the 18-degree limit under NMFS guidelines. Handling of fish shall be minimized. When handling is necessary, personnel shall wet hands or nets before touching them.</p> <p>7. Prior to translocation, fish that are collected during surveys shall be temporarily held in cool, aerated, shaded water using a five-gallon container with a lid. Overcrowding in containers shall be avoided; at least two containers shall be used and no more than 25 fish shall be kept in each bucket. Aeration shall be provided with a battery-powered external bubbler. Fish shall be protected from jostling and noise, and shall not be removed from the container until the time of release. A thermometer shall be placed in each holding container and partial water changes shall be conducted as necessary to maintain a stable water temperature. Special-status fish shall not be held more than 30 minutes. If water temperature reaches or exceeds 18 degrees Celsius (USFWS 2012), the fish shall be released and relocation operations shall cease.</p> <p>8. If fish are abundant, capture shall cease periodically to allow release and minimize the time fish spend in holding containers.</p> <p>9. Fish shall not be anesthetized or measured. However, they shall be visually identified to species level, and year classes shall be estimated and recorded.</p> <p>10. Reports on fish relocation activities shall be submitted to CDFW and NMFS in within one week.</p> <p>Mitigation Measure 4.5-1c: Contractor Environmental Awareness Training and Site Protection.</p> <p>All construction personnel that are working in areas of potential endangered species habitat shall attend an environmental education program delivered by a qualified biologist prior to working on either Project site. The training shall include an explanation as how to best avoid the accidental take of special-status species, including salmonids and other fish species, western pond turtle, California red-legged frog, and listed birds.</p> <p>The training session shall be mandatory for contractors and all construction personnel. The field meeting shall include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Emphasis shall be placed on the importance of the habitat and life stage requirements within the context of maps showing areas where minimization and avoidance measures are being implemented. The program shall include an explanation of appropriate federal and state laws protecting endangered species.</p> <p>The contractor shall provide closed garbage containers for the disposal of all trash items (e.g., wrappers, cans, bottles, food scraps). Work sites shall be cleaned of litter before closure each day, and placed in wildlife-proof garbage receptacles. Construction personnel shall not feed or otherwise attract any wildlife. No pets, excluding service animals, shall be allowed in construction areas.</p>
Impact 4.5-2: Project implementation could have substantial adverse effects on special-status plants.	LSM	<p>Mitigation Measure 4.5-2: Avoid Impacts to Rare Plants.</p> <p>A qualified biologist shall conduct a pre-construction survey of each Project site for special-status plant species with the potential to occur within the area of disturbance. The survey shall be floristic in nature and shall follow the procedures outlined in the CDFW Publication <i>Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Natural Communities</i> (CDFW, 2009). The survey shall be conducted between April and July in conjunction with the blooming seasons of those rare plants with moderate potential to occur in the Project area.</p> <p>If no special-status plants are observed during appropriately timed surveys by a qualified botanist, it is assumed the construction activity will have no impact on special-status plants and no further action is required.</p>

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-2 (cont.)		<p>If special-status plants are identified within the Project area, the individuals or populations shall be mapped and quantified and reported to the CNDDDB, and the project manager shall be notified so that potential impacts to these known occurrences shall be avoided, when feasible. Coordination with CDFW and/or USFWS staff shall be conducted to establish appropriate avoidance and minimization measures if the species is federally or State listed. Avoidance and minimization measures may include:</p> <ol style="list-style-type: none"> 1. No-disturbance buffers. 2. Work windows for low impact activities that are compatible with the dormant phase of a special-status plant life cycle but that may kill living plants or severely alter their ability to reproduce. 3. Silt fencing or construction fencing to prevent vehicles, equipment, and personnel from accessing the occupied habitat. 4. Erosion control BMPs such as straw wattles made of rice straw, erosion control blankets, or hydroseeding with a native plant seed mix to prevent sedimentation from upslope construction activities. 5. Before the construction activity commences, special-status plant occurrences shall be marked with pin flags in the field, and all maintenance personnel shall be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat. 6. If needed a qualified biologist shall be present or on-call during construction activities to provide guidance on avoiding special-status plants, ensure that other avoidance measures (buffers, fencing, etc.) are observed, and to document the total impact of the maintenance activity, particularly if it is greater or less than anticipated. 7. In consultation with, and as authorized by, CDFW or USFWS, a qualified botanist may collect and spread seeds or relocate plants to appropriate locations.
Impact 4.5-3: Project implementation could have substantial adverse effects on special-status amphibians.	LSM	<p>Mitigation Measure 4.5-3a: Install Wildlife Exclusion Fencing.</p> <p>The Flood Control District shall implement the measures below, or whatever more stringent California red-legged frogs (CRLF) and western pond turtle (WPT) preservation and avoidance measures are imposed by resource agencies with primary jurisdiction over special-status wildlife species, including USFWS and CDFW.</p> <ol style="list-style-type: none"> 1. Before ground-disturbing activity occurs, the contractor shall install temporary exclusion/silt barrier fencing around the perimeter of the construction site. Fencing shall be installed to the extent necessary to exclude CRLF from the construction area (in areas with habitat), and minimize impacts to natural habitat. Fencing material shall provide for wildlife exclusion as well as maintenance of water quality. Construction personnel and construction activity shall avoid areas outside the fencing. The need for and exact location of the fencing shall be determined by a qualified biologist, with the goal of protecting sensitive biological habitat and water quality. The fencing shall be checked at regular intervals (e.g., weekly) and maintained until construction is complete at individual work sites. The fence shall contain exit funnels to allow any wildlife within the construction area to leave without human intervention while preventing entry into the construction zone. Exit funnels shall be placed at ground level no more than 100 feet apart along the fence, or as modified by a qualified biologist or as directed by resource agencies with primary jurisdiction over special-status wildlife species. 2. The fencing shall be monitored as prescribed in Mitigation Measure 4.5-6.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-3 (cont.)		<p>Mitigation Measure 4.5-3b: Avoid Impacts to California Red-legged Frog and Western Pond Turtle.</p> <p>The name(s) and credentials of the qualified biologist(s) to act as construction monitors shall be submitted to the USFWS for approval at least 15 days before construction work begins.</p> <p>Prior to commencing work, an approved biologist shall survey the entire construction footprint for California red-legged frog and other special-status species with potential to be present, such as western pond turtle.</p> <p>At the beginning of each workday that includes initial ground disturbance, including grading, excavation, and vegetation-removal activities, an approved biologist shall conduct on-site monitoring for the presence of these species in the area where ground disturbance or vegetation removal is planned. If required by the USFWS or CDFW, perimeter fences shall be inspected to ensure they do not have any tears or holes, that the bottoms of the fences are still buried, and that no individuals have been trapped in the fence.</p> <p>All excavated or deep-walled holes or trenches greater than 2 feet deep shall be covered at the end of each workday using plywood, steel plates, or similar materials, or escape ramps shall be constructed of earth fill or wooden planks to allow animals to exit. Before such holes are filled, they shall be thoroughly inspected for trapped animals.</p> <p>If a special-status species is present within the exclusion fence area during construction, work shall cease in the vicinity of the animal, and the animal shall be allowed to relocate of its own volition unless relocation is permitted by state and/or federal regulatory agencies.</p> <p>The contractor shall maintain the temporary fencing—both exclusion fencing and protective fencing (if installed)—until all construction activities are completed. No construction activities, parking, or staging shall occur beyond the fenced exclusion areas.</p>
Impact 4.5-4: Project implementation could have substantial adverse effects on nesting birds.	LSM	<p>Mitigation Measure 4.5-4: Avoid Impacts to Special-status and Nesting Birds, including Raptors and Northern Spotted Owls.</p> <p>Tree removal activities shall be avoided during the nesting season (February 1 to August 31). Prior to any tree removal or construction in nesting season, a qualified biologist shall conduct a spotted owl and general nesting bird survey in each Project site and areas within 1/2-mile. Any identified spotted owl nesting areas or activity centers shall be flagged and avoided with a buffer of 1/4-mile throughout the active nesting season. Other nesting birds with active nests in the vicinity of the construction area shall be avoided by a buffer of 50 feet, or as determined in coordination with USFWS and CDFW. Construction work may continue outside of the no-work buffer. Northern spotted owl nesting surveys shall be conducted in coordination with Marin County Parks and Point Blue Conservation Science (Point Blue, 2017).</p>
Impact 4.5-5: Project implementation could have substantial adverse effects on Northern spotted owls.	LSM	<p>Mitigation Measure 4.5-4: Avoid Impacts to Special-status and Nesting Birds, including Raptors and Northern Spotted Owls (refer to Impact 4.5-4 above)</p>
Impact 4.5-6: Project implementation could have substantial adverse effects on special-status bats.	LSM	<p>Mitigation Measure 4.5-6: Avoid Impacts to Special-status Bats.</p> <p>Prior to any construction, a qualified bat biologist shall conduct a pre-construction survey for roosting bats in trees to be removed or pruned and structures to be demolished. If no roosting bats are found, no further action is required. If a bat roost is found, the following measures shall be implemented to avoid impacts on roosting bats.</p> <p>If active maternity roosts are found in trees or structures that shall be removed or demolished as part of construction, tree removal or demolition of that structure shall commence before maternity colonies form (generally before March 1) or after young are flying (generally by July 31). Active maternal roosts shall not be disturbed.</p>

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-6 (cont.)		<p>If a non-maternal roost of bats is found in a tree or structure to be removed or demolished as part of construction, the individuals shall be safely evicted, under the direction of a qualified bat biologist and with approval from CDFW. Removal of the tree or demolition of the structure should occur no sooner than two nights after the initial minor site modification (to alter airflow), under guidance of the qualified bat biologist. The modifications shall alter the bat habitat, causing bats to seek shelter elsewhere after they emerge for the night. On the following day, the tree or structure may be removed, in presence of the bat biologist. If any bat habitat is not removed, departure of bats from the construction area shall be confirmed with a follow-up survey prior to start of construction.</p>
<p>Impact 4.5-7: Project implementation could adversely affect sensitive natural communities.</p>		<p>Mitigation Measure 4.5-7a: Vegetation Protection for Sensitive Natural Communities.</p> <p>Prior to start of construction of any Project element, the extent of sensitive natural communities within the work area shall be identified by a qualified botanist experienced in the definition and recognition of these communities. The area of impact in sensitive natural communities shall be minimized by siting construction staging and access areas outside the limits of riparian vegetation (as determined during pre-construction surveys) and by utilizing previously-disturbed areas. Before construction begins, the Project engineer and a qualified biologist shall identify locations for equipment and personnel access and materials staging that will minimize riparian vegetation disturbance. When heavy equipment is required, unintentional soil compaction shall be minimized by using equipment with a greater reach, or using low-pressure equipment. Temporary impacts on sensitive natural communities shall be mitigated by revegetation with native species, as required by Mitigation Measure 4.5-7b.</p> <p>Mitigation Measure 4.5-7b: Habitat Restoration and Monitoring Plan.</p> <p>The Flood Control District shall prepare a Habitat Restoration and Monitoring Plan for restoration following construction activities at both Project sites. The plan shall describe required salvage and replanting protocols prior to and after construction is complete and shall thereby reduce the long-term amount of losses of these natural communities. This plan shall include, but not be limited to, protocols for replanting of vegetation removed prior to or during construction, and management and monitoring of the plants to ensure replanting success pursuant to Marin County's Countywide Plan, Marin County Code, or Code requirements of the Town of San Anselmo, or by any more stringent requirements included in other permits issued for the Project.</p> <p>The plan shall specify monitoring and performance criteria for the species planted, invasive species control criteria, as well as the best time of year for seeding to occur, pursuant to requirements of permits from the various resource agencies with regulatory purview over the Project. Revegetated areas shall be monitored for a five-year period to track progress toward performance criteria.</p> <p>Native riparian vegetation within the Project sites shall be salvaged prior to construction and replanted after construction is completed. Areas impacted by construction-related activity shall be replanted or reseeded with native trees, shrubs, and herbaceous perennials and annuals from the watershed under guidance from a qualified biologist. Local plant materials shall be used for revegetation of the disturbed area. The plant materials shall include local cuttings from the local watershed or from adjacent watersheds. This shall ensure that the seeds can be collected during the appropriate season and the container plants shall be of an appropriate size for out-planting. Using local cuttings can reduce the length of this phase.</p> <p>The Habitat Restoration and Monitoring Plan would also address restoration of jurisdictional wetlands and waters. Temporary impacts to wetlands shall be restored onsite with native wetland species under guidance from a qualified biologist. Permanent impacts to jurisdictional wetlands shall be mitigated for by replacement on- or off-site at an equal ratio or whatever more stringent requirements are included in the permits to be issued for the Project.</p> <p>The monitoring plan shall include annual monitoring of restored areas for at least 5 years. The plan shall contain vegetation management protocols, protocols for monitoring replanting success, and an adaptive management plan if success criteria are not being met. The adaptive management plan would include interim thresholds for replanting success and alternative management approaches, such as weed control or additional replanting, to undertake if thresholds are not met.</p>

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-7 (cont.)		<p>Mitigation Measure 4.5-7c: Avoid Spread of Invasive Species and Pathogens.</p> <p>All vehicles and equipment entering each Project site shall be clean of noxious weeds. Noxious weeds could spread between sites as well as from outside the Project sites. All construction equipment shall be washed thoroughly to remove all dirt, plant, and other foreign material prior to entering the Project sites. Particular attention shall be shown to the under-carriage and any surface where soil containing exotic seeds may exist. Arrangements shall be made for inspections of each piece of equipment before entering each Project site to ensure all equipment has been properly washed. Equipment found operating on the Project that has not been i.e., properly washed shall be shut down and may be subject to citation.</p> <ol style="list-style-type: none"> 1. Certified weed-free permanent and temporary erosion control measures shall be implemented to minimize erosion and sedimentation during and after construction. 2. The contractor shall conform to applicable federal, state, and local seed and noxious weed laws. 3. Nursery operations where plants are stored, propagated, or purchased must certify implementation of best management practices to reduce pest and pathogen contamination within their nursery. 4. Disturbed and decompacted areas outside the restoration area shall be revegetated with locally native vegetation. Revegetated areas shall be protected and tended, including watering when needed, until restoration criteria specified by regulatory agency-issued permits is complete. 5. All tree removal and pruning activities shall include measures to avoid the spread of the Sudden Oak Death (SOD) pathogen. Such measures may include, but are not limited to the following: <ol style="list-style-type: none"> a. As a precaution against spreading the pathogen, clean and disinfect pruning tools after use on confirmed or suspected infested trees or in known infested areas. Sanitize tools before pruning healthy trees or working in pathogen-free areas. Clean chippers and other vehicles of mud, dirt, leaves, organic material, and woody debris before leaving a site known to have SOD and before entering a site with susceptible hosts. b. Inform crews about the arboricultural implications of SOD and sanitation practices when they are working in infested areas. c. Provide crews with sanitation kits containing chlorine bleach, scrub brush, metal scraper, boot brush, and plastic gloves. d. Sanitize shoes, pruning gear, and other equipment before working in an area with susceptible species. e. When possible, work on SOD-infected and susceptible species during the dry season (June-October). When working in wet conditions, keep equipment on paved, graveled, or dry surfaces and avoid mud. Work in disease-free areas before proceeding to infested areas. f. If possible, do not collect soil or plant material (wood, brush, leaves, and litter) from host trees in the quarantine area. Within the quarantine area, host material (e.g., wood, bark, brush, chips, leaves, or firewood) from tree removals or pruning of symptomatic or non-symptomatic host plants should remain onsite to minimize pathogen spread. g. Use all reasonable methods to sanitize personal gear and crew equipment before leaving a SOD infested site. Scrape, brush, and/or hose off accumulated soil and mud from clothing, gloves, boots, and shoes. Remove mud and plant debris by blowing out or power washing chipper trucks, chippers, bucket trucks, fertilization and soil aeration equipment, cranes, and other vehicles. Restrict the movement of soil and leaf litter under and around infected trees as spores may be found there. h. Tools used in tree removal/pruning may become contaminated and should be disinfected with alcohol or chlorine bleach.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Biological Resources (cont.)		
Impact 4.5-8: Project activities could adversely affect wetlands and other waters.		See Mitigation Measures 4.5-7a and 4.57b, above.
Impact 4.5-9: Project construction could adversely affect riparian wildlife movement corridors.		See Mitigation Measures 4.5-1a, 4.5-3b, 4.5-4, and 4.5-6, above.
Impact 4.5-10: Project construction would require tree removal.		<p>Mitigation Measure 4.5-10: Mitigation for Removal of Heritage or Protected Trees.</p> <p>During construction, as much understory brush and as many native trees as possible shall be retained, to maintain shade-producing and bank-stabilizing vegetation for the creeks. All trees to remain during construction within the grading area shall be protected and trimmed if necessary to ensure their trunks and/or limbs are not disturbed during construction.</p> <p>To mitigate for tree removal: For each tree to be removed, the Flood Control District shall plant a replacement tree of the same species or a suitable native species substitute, at a rate of one planting per tree removed or such other mitigation ratio requirements included in the LSAA to be obtained from CDFW (for riparian trees) or any applicable County and/or town recommendations (for heritage trees), and ensure that replacement trees are planted within or in the vicinity of the Project sites to the maximum extent practicable, as follows:</p> <ol style="list-style-type: none"> 1. Trees shall be replaced within the first year after the completion of construction or as soon as possible after construction is completed. 2. Selection of replacement sites and installation of replacement plantings shall be supervised by an arborist or biologist with experience in restoration. Irrigation of tree plantings during the initial establishment period shall be provided as deemed necessary by an arborist or biologist, consistent with the site Habitat Restoration and Monitoring Plan (Mitigation Measure 4.5-7b).
Cultural Resources		
Impact 4.6-1: The Project would not cause a substantial adverse change in the significance of a historical resource or a landmark of local cultural or historical importance.	NI	No mitigation required.
Impact 4.6-2: The Project would not cause a substantial adverse change in the significance of an archaeological resource.	LS	No mitigation required.
Impact 4.6-3: The Project would not disturb human remains, including those interred outside of dedicated cemeteries.	LS	No mitigation required.
Impact 4.6-4: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource.	LS	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Geology, Soils, and Seismic Hazard		
Impact 4.7-1: The Project would not expose people or structures to potential substantial adverse effects from hazards including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, landslides.	LTS	No mitigation required.
Impact 4.7-2: The Project would not result in substantial soil erosion or the loss of topsoil due to water forces and attendant siltation from excavation, grading, or fill.	LTS	No mitigation required.
Impact 4.7-3: The Project would not cause adverse effects from being located on a 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, or slope instability.	LTS	No mitigation required.
Impact 4.7-4: The Project would not cause adverse effects from being located on expansive soil, as defined in Section 1803.5.3 of the CBC, creating substantial risks to life or property, including deformation of foundations or damage to structures.	LTS	No mitigation required.
Impact 4.7-5: The Project would not cause substantial changes in topography from excavation, grading, or fill, including but not limited to ground surface relief features, geologic structures or unstable conditions, or unique geologic or physical features.	LTS	No mitigation required.
Impact 4.7-6: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	NI	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Hazards and Hazardous Materials		
Impact 4.8-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials or substances into the environment or create or increase exposure to an actual or potential human or public health hazard.	LTS	No mitigation required.
Impact 4.8-2: The Project could create a significant hazard to the public or the environment from the Project's location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	LSM	<p>Mitigation Measure 4.8-2a: Check 700/750 Sir Francis Drake Boulevard investigation status.</p> <p>Prior to beginning construction activities, the contractor shall check the status of the 700/750 Sir Francis Drake Boulevard investigation available at the SWRCB GeoTracker website at: http://geotracker.waterboards.ca.gov/. Relevant information from the GeoTracker shall be used to inform the Health and Safety Plan and Soil Management Plan, described in subsequent mitigation measures.</p> <p>Mitigation Measure 4.8-2b: Health and Safety Plan.</p> <p>The construction contractor(s) shall prepare and implement a site-specific Health and Safety Plan in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities. The Health and Safety Plan shall include, but is not limited to, the following elements:</p> <ol style="list-style-type: none"> 1. Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site health and safety plan; 2. A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals based on the most recent reporting of the investigation at 700/750 Sir Francis Drake Boulevard site overseen by the Regional Water Quality Control Board; 3. Specified personal protective equipment and decontamination procedures, if needed; 4. Emergency procedures, including route to the nearest hospital; and 5. Procedures to be followed in the event that evidence of potential soil or groundwater contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered. <p>These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of unknown discovered or suspected hazardous materials release and notifying the Marin County CUPA (415-473-7085).</p> <p>Mitigation Measure 4.8-2b applies to both the Nursery Basin and the Downtown San Anselmo sites.</p> <p>Mitigation Measure 4.8-2c: Soil Management Plan.</p> <p>For the Downtown San Anselmo site, the Flood Control District or its contractor shall develop and implement a Soil Management Plan that includes a materials disposal plan specifying how the construction contractor shall remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan shall identify protocols for training workers to recognize potential soil contamination (such as soil staining, noxious odors, debris or buried storage containers), soil testing and disposal by a qualified</p>

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Hazards and Hazardous Materials (cont.)		
Impact 4.8-2 (cont.)		contractor in the event that contamination is identified, and identification of approved disposal sites (e.g., Redwood Landfill in Novato). Contract specifications shall mandate approval of the Soil Management Plan by the Flood Control District as well as full compliance with all applicable local, state, and federal regulations related to the identification, transportation, and disposal of hazardous materials.
Impact 4.8-3: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	No mitigation required.
Impact 4.8-C: Cumulative Impacts	NI	No mitigation required.
Hydrology and Water Quality		
Impact 4.9-1: Project construction could violate water quality standards and/or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality.	LSM	<p>Mitigation Measure 4.9-1: Implement Dewatering BMPs for In-Water Work.</p> <p>If dewatering discharge produced during construction of the project elements is not discharged to the sewer system, the construction specifications shall require that the construction contractor(s) implement standard BMPs developed and approved by Marin County for the treatment of sediment-laden water produced during cofferdam dewatering activities. BMPs could include discharging water through filtration media, such as filter bags or a similar filtration device, or allowing the cofferdam dewatering discharge to infiltrate into the soil. If infiltration is used, application of the dewatering discharge shall be conducted at a rate and location that does not allow runoff into San Anselmo or Fairfax Creeks or drainage conveyances, such as storm drains, and does not cause flooding or runoff to adjacent properties. The dewatering discharge shall also be conducted at a rate that does not allow ponding, unless the ponding is a result of implementing BMPs to reduce the velocity of the flow and occurs within constructed containment, such as an excavation or berm with no outlet. The discharge must also be applied at a sufficient distance from building foundations or other areas that could be damaged from ground settling or swelling. Alternatively, if the filtered dewatering effluent is sufficiently clean to comply with applicable federal and state regulation, that water could be reused for construction dust suppression, which would reduce the need for water use for that purpose. Any BMPs developed and implemented shall remove sediment in a manner sufficient to meet the Water Quality Objective for turbidity as specified in the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). Specifically, receiving waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity related to dewatering discharges shall not be greater than 10 percent in areas where natural turbidity is greater than 50 Nephelometric Turbidity Units (NTU), which is the standard unit for measuring turbidity via visibility in water (SWRCB, 2017). At higher turbidity levels, water can become warmer due to the increased light absorption of suspended solids, pathogens can be harbored more easily, and algal blooms can occur.</p> <p>In-stream sediment removal shall follow approved and permitted dewatering practices for wet weather sediment removal during more infrequent flood events in Fairfax Creek. This work shall be timed to take place as flows are receding and only after instream measures to reduce downstream turbidity are in place.</p>
Impact 4.9-2. The Project would not substantially deplete groundwater supplies, interfere substantially with groundwater recharge or absorption, or intersect groundwater by cuts or excavations such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	LTS	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Hydrology and Water Quality (cont.)		
Impact 4.9-3: The Project could alter existing drainage patterns, potentially causing new erosion or siltation.	LSM	<p>Mitigation Measure 4.9-3a. Prioritize Nursery Basin Reach for Stream Maintenance.</p> <p>The SMP imposes limits on the total volume of material allowed to be removed from all of the streams covered by that permit. In order to retain the design capacity of the Nursery Basin and the associated storage within the Fairfax Creek channel behind the diversion structure, the Flood Control District shall prioritize sediment removal at this site over other sites covered by the SMP and shall remove all deposited sediment up to the maximum volume allowed under the existing permit (2,100 cubic yards). If deposited sediment still remains after removing the maximum volume, then this site shall be prioritized in subsequent years to remove the remaining sediment and any newly accumulated material, again up to the maximum allowed.</p> <p>Mitigation Measure 4.9-3b. Scour Analysis and Protection Measures.</p> <p>Due to the dependence of erosion and sedimentation patterns on the bed-scale morphology of the new structures, measures to counter scour and sedimentation issues must be based on more advanced project design. To reduce project impacts on erosion and sedimentation, the Flood Control District shall conduct a scour analysis and then develop and implement appropriate scour countermeasures from the analysis into project design and operations. The analysis shall be based on at least 30 percent design and must evaluate the potential for scour and channel bank erosion including specifying the expected depth and lateral extent both upstream and downstream of the project site. The analysis shall recommend foundation designs and scour protection measures that protect structures to depths below potential scour, estimated using standard engineering methods. The Flood Control District shall implement the foundation designs and scour protection measures in final project design. Foundation design and scour protection measures commonly used to protect existing in-channel structures and banks and that could be implemented in this project include but are not limited to:</p> <ol style="list-style-type: none"> 1. Adding new rock revetment or extending the depth of existing rock revetments 2. Extending the foundations of vertical retaining walls using sheet pile or concrete.
Impact 4.9-4: The Project would substantially alter the existing drainage pattern of the watershed, altering patterns of flooding onsite and offsite.	SU	<p>Mitigation Measure 4.9-4: Provide Flood Protection to Substantially Affected Areas.</p> <p>For areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge): If the Winship Bridge Replacement Project is not completed prior to construction of the Project, the Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event. The flood barriers shall be designed based on hydraulic modeling demonstrating that the flood barriers would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event, or to any higher degree of protection required for that particular type of measure by applicable building codes. Flood barriers include but are not limited to the following measures:</p> <ul style="list-style-type: none"> • <u>Elevation of structures above the 100-year flood elevations</u> • <u>Basement removal and construction of an addition to contain utilities removed from the basement</u> • <u>Wet flood proofing of structures, in which, with use of water resistant materials, floodwaters are allowed to enter a structure during a flood event</u> • <u>Dry flood proofing of structures</u> • <u>Berms or flood walls</u>

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Hydrology and Water Quality (cont.)		
Impact 4.9-4 (cont.)		<p>For areas immediately upstream of the Nursery Basin site: The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event.</p> <p>For both of those locations: The flood barriers would ensure that existing habitable structures would not be inundated by the 25-year event. Upon confirmation of permission by the property owners, the Flood Control District shall implement this measure, including implementing any measures identified in permits required from the California Department of Fish and Wildlife, Regional Water Quality Control Board, or other regulatory agencies. However, the potentially adversely affected parcels are privately owned, and the Flood Control District cannot necessarily <u>is not proposing to</u> require the installation or implementation of flood barriers because without the consent of the property owner(s), who may specifically request that such measures not be implemented. In that case, this Mitigation Measure shall <u>would not be implemented</u>, and the affected parcels may experience an increased level of flood inundation in a 25-year event or larger.</p> <p><u>The degree of flood protection provided to an individual property will vary depending on the specifics of the flood barrier selected. For most of the flood barriers, the Flood Control District shall provide protection from the 25-year event. However, pursuant to Marin County building code and associated permitting requirements, any increase in structure elevation must be to an elevation sufficient to raise the finished first floor above the elevation of the 100-year flood event. Therefore, property owners who accept that form of flood barrier would receive assistance to implement 100-year protection.</u></p> <p><u>Funding and Implementation Responsibility (Both Locations):</u> For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District shall fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or berms unnecessary as determined by the Flood Control District. For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances, etc.), the Flood Control District shall fully fund the design and provide funding to the property owner for implementation –that is proportional to the increased flood depth with the project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.</p>
Impact 4.9-5: The Project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows.	LTS	No mitigation required.
Impact 4.9-6: The Project would not directly or indirectly expose people or structures to a significant risk of loss, injury or death involving flooding and other water-related hazards, including flooding as a result of the failure of a levee or dam, or from increased debris deposition.	LTS	No mitigation required.
Impact 4.9-7: The Project would not directly or indirectly cause inundation by seiche, tsunami, or mudflow.	LTS	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Land Use and Planning		
Impact 4.10-1: The Project would not physically divide an established community.	NI	No mitigation required.
Impact 4.10-2: The Project would not conflict with local land use plans.	LTS	No mitigation required.
Impact 4.10-3: The Project would not substantially alter the character or functioning of a community, or present or planned use of an area.	LTS	No mitigation required.
Noise		
Impact 4.11-1: Project construction would not result in substantial temporary or periodic increase in ambient noise levels in the Project vicinity.	LTS	No mitigation required.
Impact 4.11-2: Project construction would not generate noise that would expose people to noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies during construction.	LTS	No mitigation required.
Impact 4.11-3: Project construction would not expose people to or generate excessive groundborne vibration during construction.	LTS	No mitigation required.
Impact 4.11-4: The Project would not cause substantial permanent increases in ambient noise levels in the Project vicinity above levels existing without the Project during operations.	LTS	No mitigation required.
4.10.4.5 Cumulative Impacts	LSM	
Population and Housing		
Impact 4.12-1. The Project would not induce substantial population growth.	NI	No mitigation required.
Impact 4.12-2. The Project would not displace substantial numbers of existing housing units or people.	NI	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Population and Housing (cont.)		
Impact 4.12-3. The Project would not conflict with housing and population projections and policies as set forth in the Countywide Plan.	NI	No mitigation required.
Public Services and Utilities		
Impact 4.13-1. The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or increase the demand for new or increased staff and/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 public services including, fire protection, police protection, schools or other public facilities.	LTS	No mitigation required.
Impact 4.13-2. The Project's demand for solid waste disposal would not exceed the permitted capacity of a suitable landfill.	LTS	No mitigation required.
Impact 4.13-3. The Project would comply with federal, state, and local statutes and regulations related to solid waste.	LTS	No mitigation required.
Impact 4.13-4. The Project would not require or result in the construction of new power, natural gas, or communications system facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	No mitigation required.
Parks and Recreation		
Impact 4.14-1: Construction and operation of the Project would not 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.	LTS	No mitigation required.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Parks and Recreation (cont.)		
Impact 4.14-2: Construction and operation of the Project could include public access and recreational facilities or could require the construction or expansion of recreational facilities which could have an adverse physical effect on the environment.	LSM	Mitigation Measure 4.3-1: BAAQMD Basic Construction Measures (refer to Impact 4.3-1 above) Mitigation Measure 4.9-1: Implement Dewatering BMPs for In-Water Work (refer to Impact 4.9-1 above)
Impact 4.14-3: Construction and operation of the Project would not require the designation of additional parkland to remain in conformance with locally acceptable or adopted park standards.	NI	No mitigation required.
Transportation and Circulation		
Impact 4.15-1: Construction activity associated with the Project could temporarily generate increased traffic volumes in relation to the existing traffic load and capacity of the road system (potentially resulting in a substantial increase in traffic congestion affecting vehicle or transit circulation), and could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.	LSM	Mitigation Measure 4.15-1: Traffic Management Plan. <p>Prior to initiation of construction, the Project contractor(s) shall use a qualified traffic engineer to prepare a TMP. The TMP shall be developed during the design phase on the basis of detailed design plans for the approved Project. The TMP shall be reviewed and approved by the Flood Control District and agencies with jurisdiction over roadways affected by Project construction activities, prior to construction. Once approved, the TMP shall be incorporated into the contract documents specifications. The TMP shall include, but not necessarily be limited to, the elements listed below:</p> <ol style="list-style-type: none"> 1. Develop truck access routes to minimize impacts on local street circulation. The route selection for movement of heavy equipment and truck traffic shall be coordinated with the Marin County Department of Public Works, Marin County Sheriff's Department, and Police Departments for applicable towns, cities and unincorporated communities. Truck drivers shall be notified of, and required to use, the most direct route between the Project work sites and U.S. 101. 2. As needed to avoid unacceptably adverse impacts on traffic flow, schedule truck trips outside of peak morning and afternoon/evening traffic hours. 3. Control and monitor construction vehicle movements by enforcing standard construction specifications through periodic on-site inspections. 4. Install traffic control devices where traffic conditions warrant, as specified in the applicable jurisdiction's standards (e.g., the <i>California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control</i>); flaggers would be used, when warranted, to control vehicle movements. 5. Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information. 6. Comply with roadside safety protocols to reduce the risk of accidents. 7. Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.

TABLE 2-1 (CONTINUED)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

IMPACT	Significance Determination	Mitigation Measure
Transportation and Circulation (cont.)		
Impact 4.15-1 (cont.)		<p>8. Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite, in such a manner to minimize obstruction to traffic.</p> <p>9. Identify locations for parking by construction workers (within the construction work site or at the designated construction staging areas, or, if needed, at a nearby location with transport provided between the parking location and the worksite).</p> <p>10. Prior to Project construction, document road conditions for all routes that shall be used by Project-related vehicles. Roads damaged by construction shall be repaired to a structural condition equal to that which existed prior to construction activity.</p> <p>11. Maintaining pedestrian and bicycle access and circulation during Project construction where safe to do so. If construction activities encroach on bicycle routes or multi-use paths, advance warning signs (e.g., "Bicyclists Allowed Use of Full Lane" and/or "Share the Road") shall be posted that indicate the presence of such users.</p> <p>During construction, an environmental compliance manager shall monitor and complete a construction monitor environmental inspection report checklist to ensure that the contractor implements the TMP measures included in the contract documents. Any noncompliance shall be documented and reported to the Flood Control District to ensure corrective action. A final compliance report shall be prepared post-construction.</p>
Impact 4.15-2: Implementation of the Project could impede access to local streets or adjacent uses, including access for emergency vehicles.	LSM	Mitigation Measure 4.15-1: Traffic Management Plan. (refer to Impact 4.15-1 above)
Impact 4.15-3: Implementation of the Project could have an adverse effect on pedestrian and bicycle accessibility and safety.	LSM	Mitigation Measure 4.15-1: Traffic Management Plan. (refer to Impact 4.15-1 above)
Impact 4.15-4: Construction activity associated with the Project could temporarily increase traffic safety hazards due to incompatible uses (e.g., heavy truck traffic, and roadway wear-and-tear).	LSM	Mitigation Measure 4.15-1: Traffic Management Plan. (refer to Impact 4.15-1 above)

NOTES:

LSM = Less than Significant with Mitigation
LTS = Less than Significant
NI = No Impact
SU = Significant and Unavoidable

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CHAPTER 3

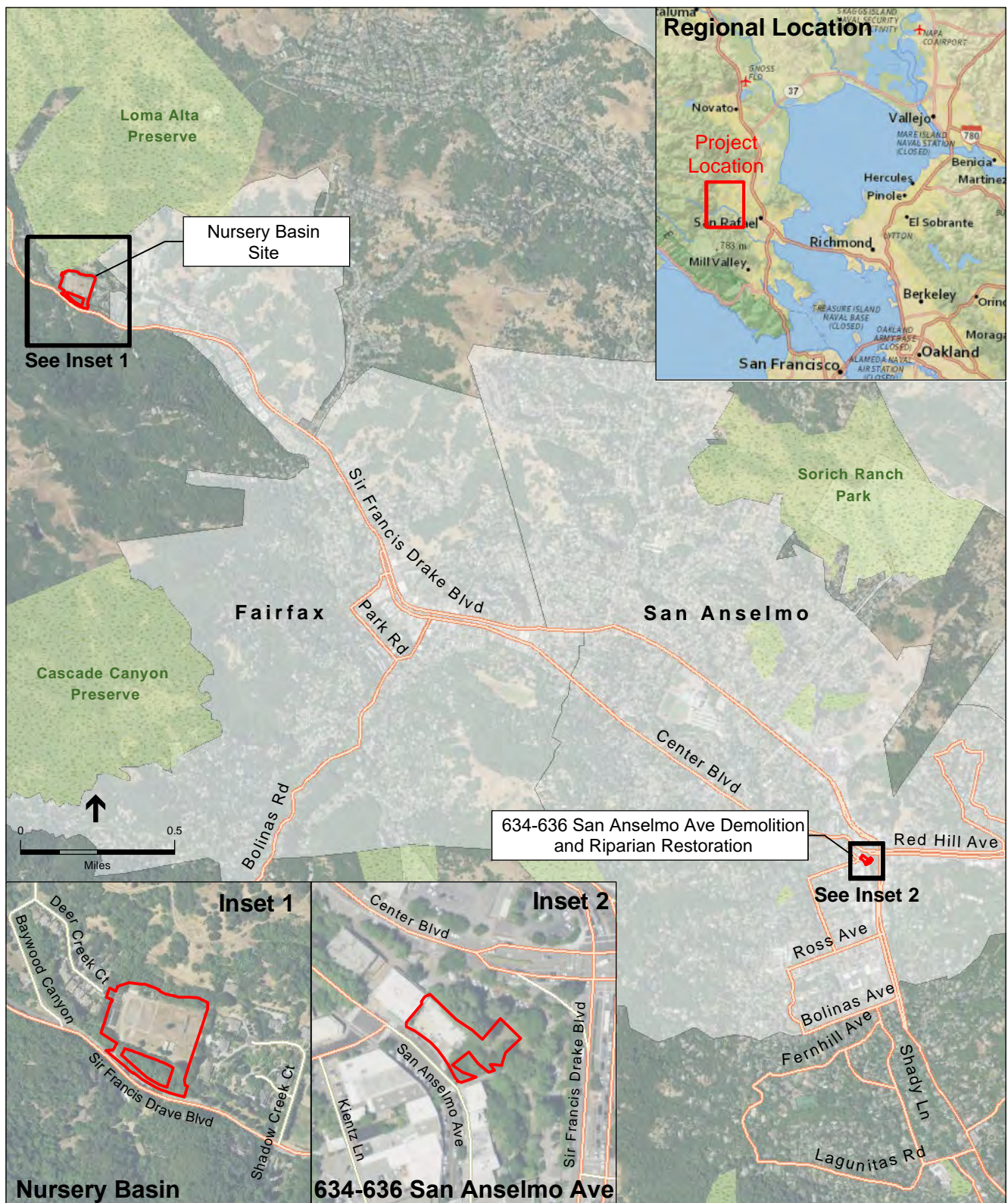
Project Description

The primary goal of the San Anselmo Flood Risk Reduction Project (Project) is to substantially reduce the frequency and severity of flooding within portions of the San Anselmo Creek and Fairfax Creek subwatersheds in Ross Valley. The Marin County Flood Control and Water Conservation District (Flood Control District) would meet this goal by implementing a project that would increase creek capacity by enlarging the San Anselmo Creek channel by removing existing obstructions to flow and reducing peak discharge by attenuating flows through use of a flood diversion and storage (FDS) basin. By implementing this Project, as described in more detail later in this section, the existing flood risk in portions of Ross Valley – including downtown San Anselmo and Fairfax – would be substantially reduced, eliminating flooding in many places and reducing the depth of inundation in many others.

3.1 Project Location

The Project would occur in two locations. The first is at the former site of the Sunnyside Nursery in unincorporated Marin County, adjacent to the western border of the Town of Fairfax in the upper portion of the Fairfax Creek subwatershed. The address is 3000 Sir Francis Drake Boulevard. The second location is at 634-636 San Anselmo Avenue in downtown San Anselmo along San Anselmo Creek in the subwatershed of the same name. Both Fairfax Creek and San Anselmo Creek are part of the larger the Corte Madera Creek Watershed, which is also referred to as the Ross Valley Watershed, or Ross Valley, in central eastern Marin County, California (**Figure 3-1**). Ross Valley is approximately 12 miles north of San Francisco, with Mount Tamalpais to the west, the City of San Rafael to the east and San Pablo Bay and San Francisco Bay to the south. **Figure 3-2** shows the streams, watersheds, and communities in the Project area and its surroundings.

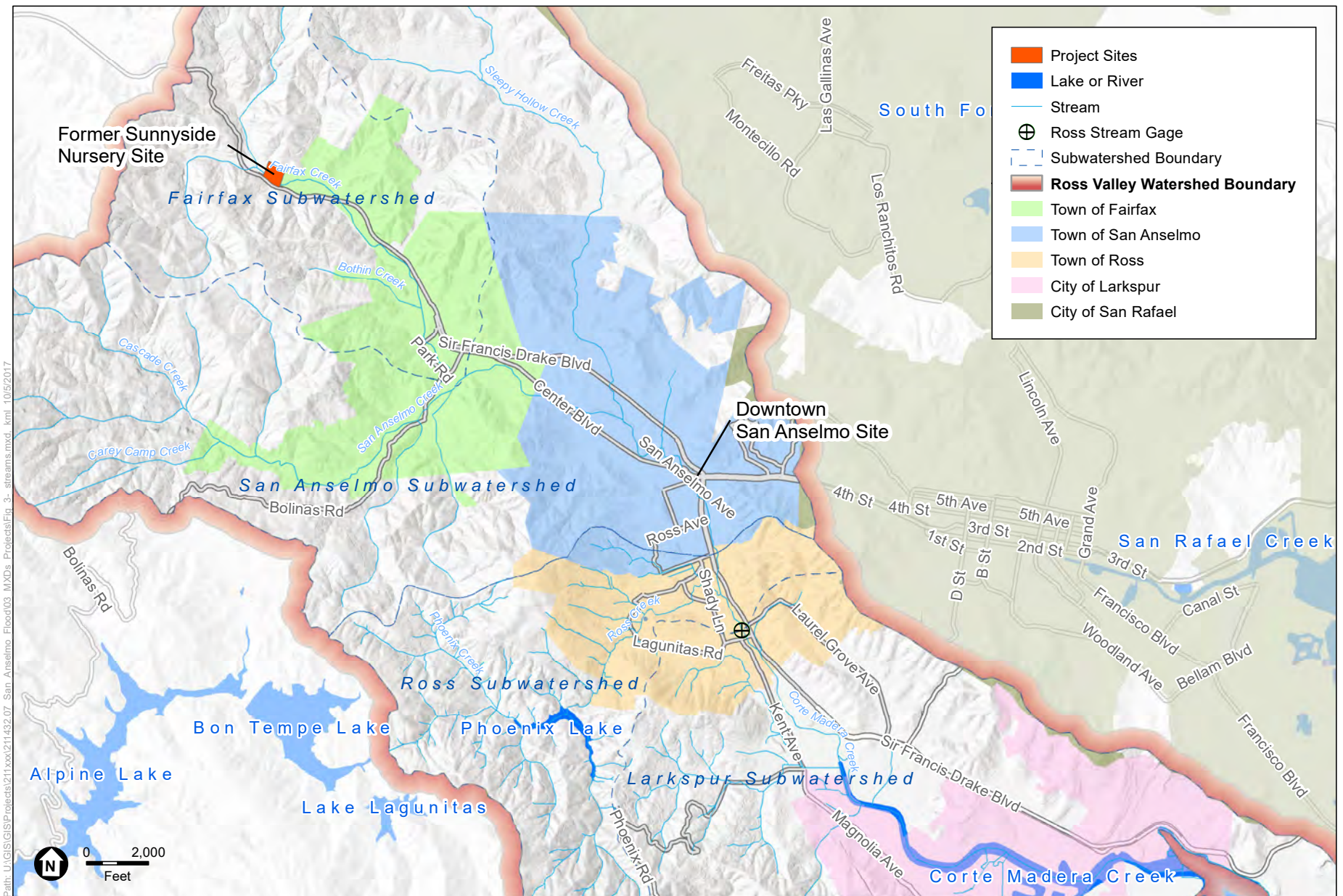
The Ross Valley Watershed contains 42 linear miles of stream channels, and covers approximately 28 square miles. It is characterized by ridges and small stream valleys. Within the watershed are 29 named tributaries and four subwatersheds. This Project involves the Fairfax subwatershed, which is drained by Bothin and Fairfax Creeks and contains the Town of Fairfax, and the San Anselmo subwatershed, which is drained by Deer Park, San Anselmo and Sleepy Hollow Creeks, and includes the Town of San Anselmo and the unincorporated areas of Sleepy Hollow and Oak Manor. Downstream of the Project area, the Ross subwatershed includes the Town of Ross and is drained by Phoenix, Bill Williams and Ross Creeks. The Larkspur subwatershed includes the City of Larkspur, the incorporated areas of Greenbrae and Kentfield, and the Town of Corte Madera, and is drained by Corte Madera Creek and Larkspur Creek.



SOURCE: CH2M

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 3-1
Project Location



San Anselmo Flood Risk Reduction Project . D211432.07

SOURCE: National Hydrography Dataset, Marin County

Figure 3-2
Streams, Watersheds, and Communities in the Project Vicinity

3.1.1 Ross Valley Flood Protection and Watershed Program Summary

The Flood Control District boundary is conterminous with the County of Marin's boundary. The Flood Control District's mission is to reduce the risk of flooding for the protection of life and property by implementing effective, transparent, and responsive planning, design, construction, operation, and maintenance of District-owned facilities such as stormwater pump stations, detention basins, bypass drains, creeks, ditches, and levees. The Flood Control District provides these services to address specific flooding problems in eight zones¹ in Marin County.

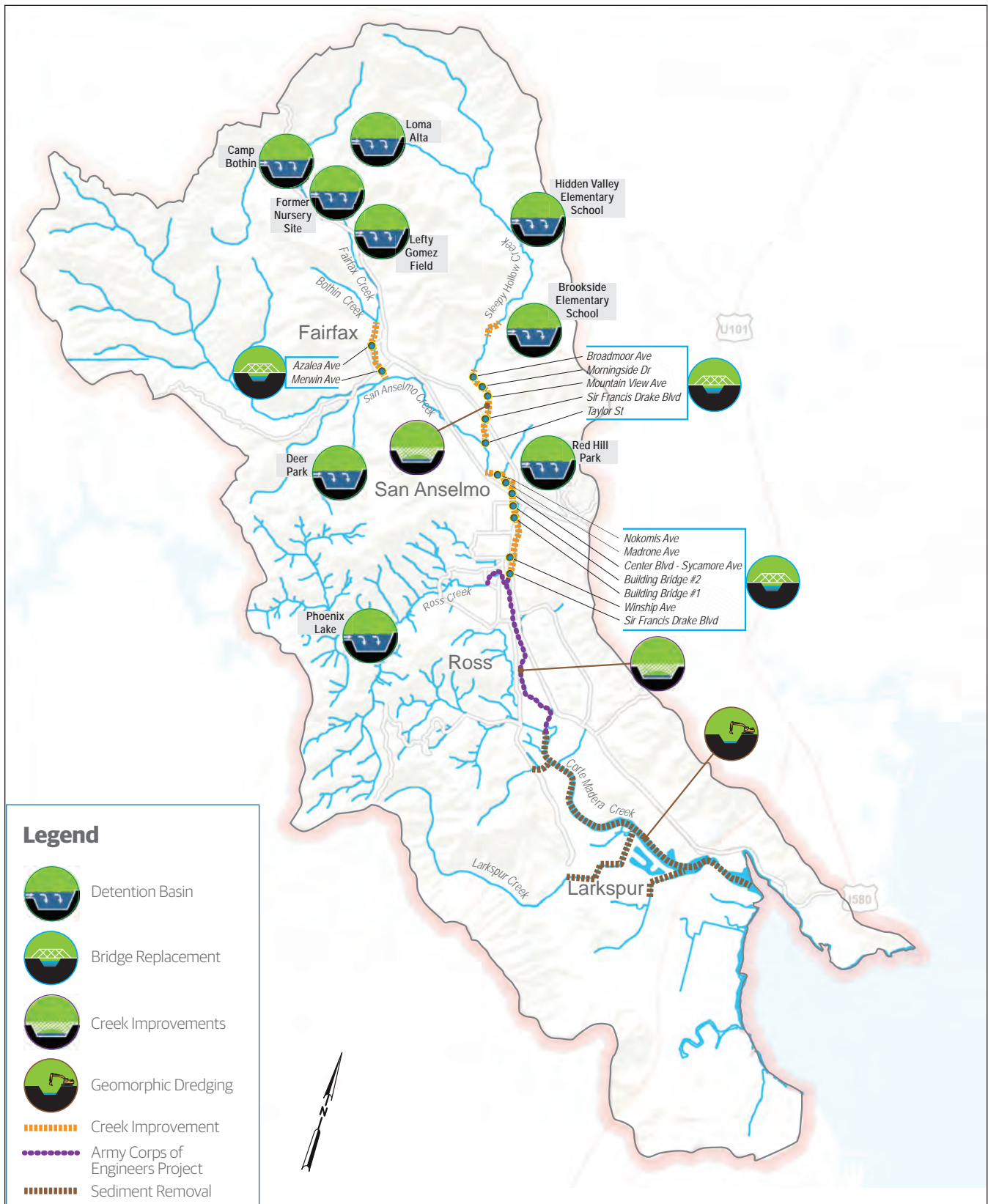
The San Anselmo Flood Risk Reduction Project is a flood risk reduction project that is part of a larger, Flood Control District program to reduce flood risks in the Ross Valley. That program is the Ross Valley Flood Protection and Watershed Program ("Ross Valley Program"), which is being planned and analyzed concurrently with the San Anselmo Flood Risk Reduction Project, but at a regional and programmatic level of detail.

Figure 3-3 illustrates the Ross Valley Program's elements, which include a combination of several types of elements that, when implemented, would provide flood risk reduction on a watershed-wide scale. These element types include (1) FDS basins, located in the upper reaches of the watershed to detain peak flows outside of the creek network during flood events; (2) bridge replacements in Fairfax, San Anselmo, and Ross to remove impediments to flows in the creek and reduce localized flooding; (3) creek improvements in the lower end of the watershed to increase capacity and stability in the lower reaches to handle flood flows as they move through the watershed; (4) low-impact development policies, and (5) flood preparedness and educational programs.

To focus implementation efforts, the Flood Control District proposes to develop the Ross Valley Program elements in two phases, as shown on **Figure 3-4**. Each phase would incorporate various Ross Valley Program elements to provide a designated level of flood protection, which are 10- to 25-year flood event protection (Phase 1) and 25- to 100-year flood event protection (Phase 2).

Specific details regarding the exact size, design, location, sequencing, and phasing of Ross Valley Program elements have not been determined yet. Because of this, the Flood Control District is preparing a Program Environmental Impact Report (PEIR) that will analyze the significant environmental effects of implementing Program elements to reduce flooding risk in Ross Valley. The PEIR will evaluate the environmental impacts associated with implementing the Ross Valley Program elements during two implementation phases, analyze alternative strategies to reduce flood risk in the region, and provide program-level mitigation measures to avoid or reduce the significant environmental effects of the Program elements and alternatives. The Flood Control District, its Board of Supervisors, Responsible and Trustee agencies, and the public will use that PEIR and the associated public comment processes to inform decision making and help determine which Ross Valley Program elements should be implemented.

¹ These zones are Zone 1: Novato Area; Zone 3: Mill Valley/Coyote Creek Area; Zone 4: Bel Aire Area (Tiburon); Zone 5: Stinson Beach; Zone 6: San Rafael Meadows; Zone 7: Santa Venetia; Zone 9: Ross Valley; and Zone 10: Inverness. The Ross Valley is sometimes referred to as "Zone 9".



SOURCE: CH2M, 2018

San Anselmo Flood Management Project . D211432.07

Figure 3-3
Ross Valley Flood Protection and Watershed Program

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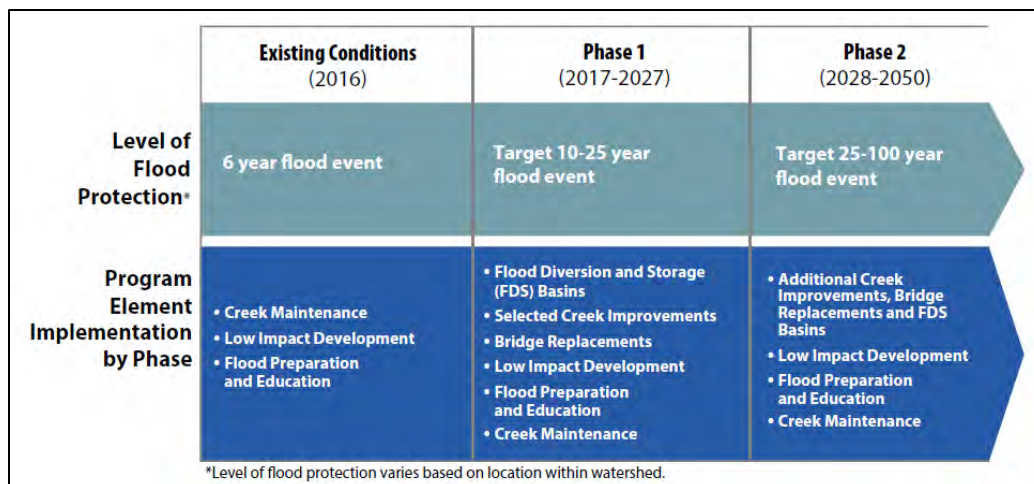


Figure 3-4
Ross Valley Program Implementation Phases

In general, the Flood Control District will not select which Ross Valley Program elements to implement as individual projects within the Program until the Program EIR has received public input and is certified as complying with CEQA by the Flood Control District Board. However, several projects identified as part of the Program are undergoing additional project-level review under CEQA because they have separate funding sources, timelines, or implementing agencies. The San Anselmo Flood Risk Reduction Project is one of these projects and has independent utility because – as is discussed later in this chapter and in much more detail in Section 4.9, Hydrology and Water Quality -- it substantially reduces the existing levels of flood risk in the affected communities. It also supports and is the first step toward reaching the larger goals of the Ross Valley Program, although its benefits would be realized in the Towns of San Anselmo and Fairfax even if the larger Ross Valley Program were not to be implemented. Other Program elements currently undergoing project-level review include the U.S. Army Corps of Engineers' Corte Madera Creek Channel Project – Units 3 and 4, and five bridge replacement projects located on San Anselmo Creek or other tributaries within the limits of the Towns of Fairfax, San Anselmo, and Ross.

For these reasons, and as discussed in Chapter 1, this Project EIR is being prepared separate from and concurrent with the Program EIR. This Project EIR is not being tiered from that Program EIR because the Project is scheduled for earlier implementation.² The two EIRs will be coordinated, however, and the Project analyzed in this EIR will be part of the cumulative analysis in the Program EIR. The two EIRs will also use as much of the same hydraulic and hydrologic modeling, information sources, and environmental studies and analyses as are pertinent to both the Ross Valley Program and the Project. As a result, the two EIRs will be consistent and the significant environmental effects of the Project will be included in the analysis of the Program as a whole. In that way, the San Anselmo Flood Risk Reduction Project will support the overall goals of the Ross Valley Program and will begin moving toward the Program's intended flood risk reductions.

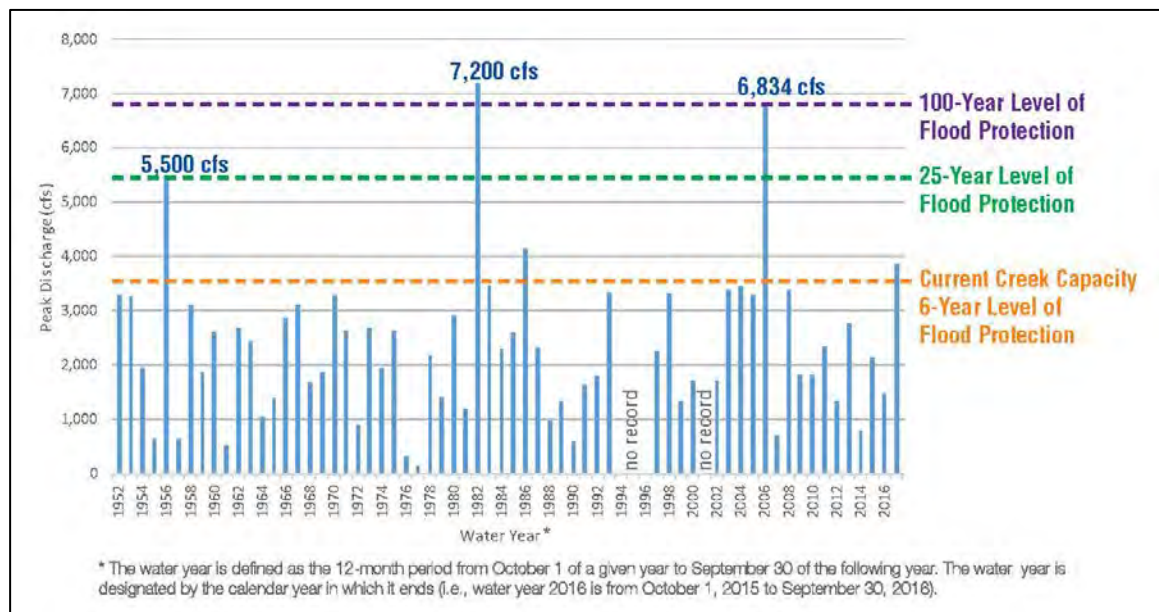
² "Tiering" under CEQA "refers to the analysis of general matters contained in a broader EIR with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project" (CEQA *Guidelines* Section 15152). CEQA encourages agencies to tier environmental analyses as a means to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for discussion.

3.2 Project History and Purpose

3.2.1 Flooding History in Ross Valley and the San Anselmo and Fairfax Subwatersheds

During prolonged and heavy storms, soils in the Project area can become saturated, and if rainfall is sufficiently intense, heavy runoff can result in high flows exceeding the capacity of the creeks in places where conveyance is constrained. Flooding occurs when the threshold conveyance capacity of the creek is exceeded and breaching of the creek banks occurs.

Several times in recent history, Ross Valley has been flooded by overflow from Corte Madera Creek and its upstream tributaries, including San Anselmo Creek, Sleepy Hollow Creek, and Fairfax Creek. Prior to establishment in 1951 of the United States Geological Survey (USGS) Streamflow Gage in Ross, flooding was reported as far back as the 1860's and in calendar years 1914, 1925, 1937, 1940, and 1942. Since 1951, flood events have been recorded in calendar years 1951, 1952, 1958, 1967, 1969, 1970, 1982, 1983, 1986, 1993, 2005 and 2017. Of these, the two most severe floods occurred in 1982 and 2005, with peak discharges of approximately 7,200 cubic feet per second (cfs) and 6,800 cfs, respectively; and the percent-annual-chances (i.e., probabilities) of which were approximately 0.6% and 1% (translating to a 100- to 200-year flood event and a 100-year flood event), respectively (**Figure 3-5**). Historical flooding has caused extensive property damage and economic hardship to residents, businesses, and local governments. In the 2005 flood, losses to the public and private sector totaled \$94,836,880 in 2006 dollars (Marin County, 2012). Flooding in Ross Valley has also threatened the lives of those living in the floodplain, with at least one recorded death occurring in the 1955 flood. The 1955 flood was an approximate 4% annual-chance flood or a 25-year flood event.



SOURCE: Marin County Flood Control District, 2017

Figure 3-5
Corte Madera Creek Historical Annual Peak Discharges

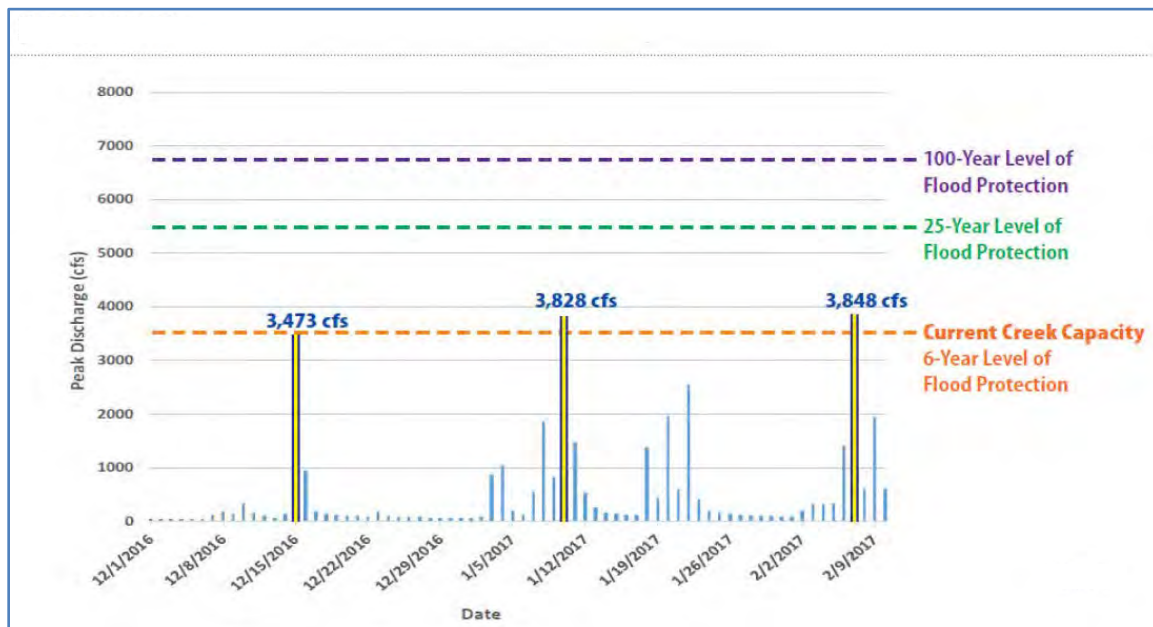
The San Anselmo Historical Society website includes an article on the history of flooding in the area, and begins with the explanation that:

“San Anselmo Creek actually changed its course during a severe rainstorm long before the town was situated here. The original creek channel ran along Laurel Avenue winding in a southerly direction crossing San Rafael, Tamalpais, Magnolia, Tunstead (at mid-block), and Pine Street, but a debris or log jam in the late 1860s caused the creek to bend to the other side of today’s Center Boulevard and carve its present course through our downtown. In 1875, the North Pacific Coast Railroad completed its line through San Anselmo west to Tomales. The railroad built a berm four to five feet above the valley floor on which the tracks west from San Anselmo were laid. The berm, upon which Center Boulevard runs today, narrowed the flood plain and caused the new creek channel to become more deeply incised.”

In many of the events listed above, water overflowed the creek bank onto the streets, including San Anselmo Avenue. The resulting damage to property and goods was at times exacerbated by the construction of buildings immediately adjacent to or over the creek. During the 1940 storm, the service station at 634 San Anselmo Avenue was blamed for considerable flooding damage. As the *San Anselmo Herald* reported on February 29, 1940:

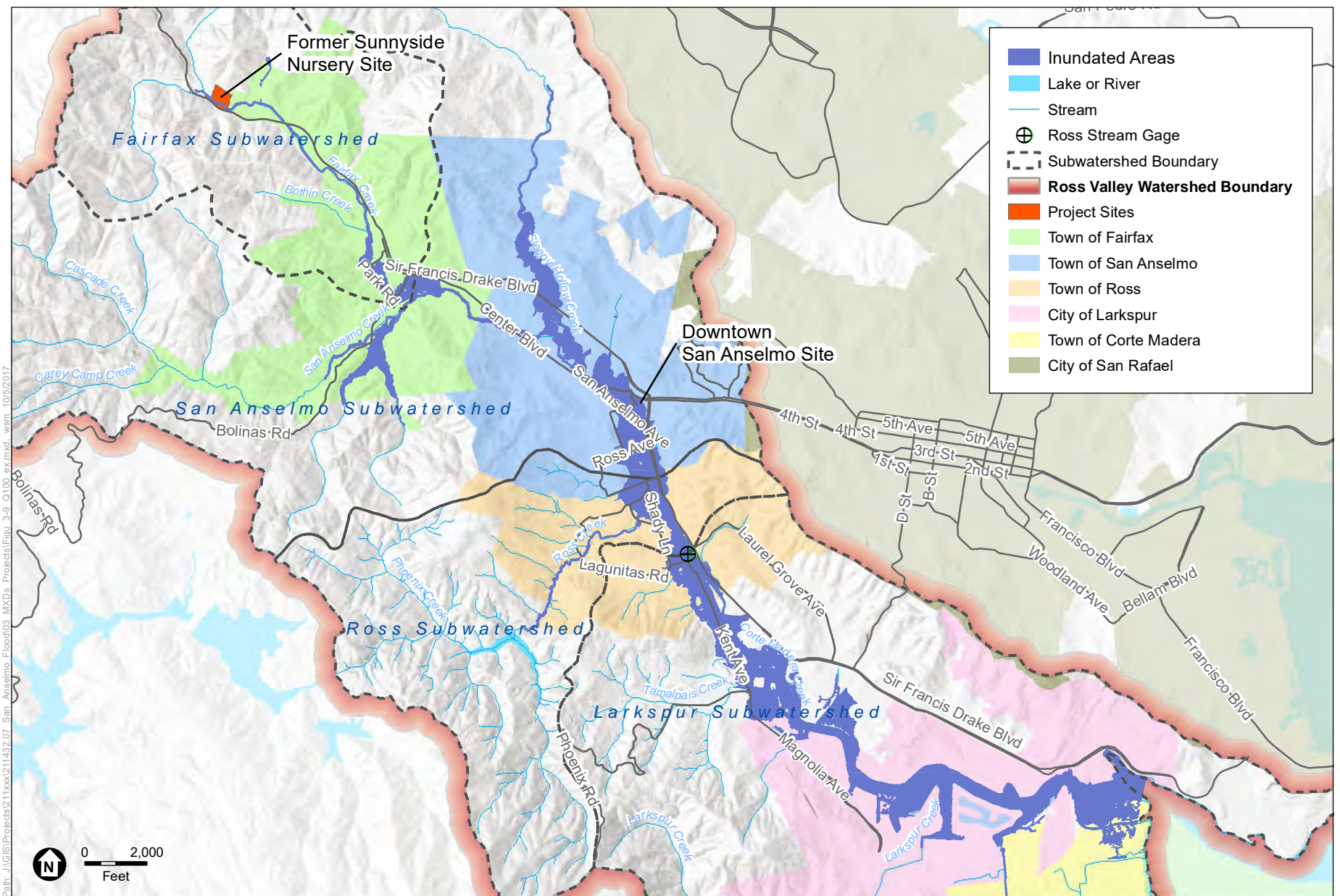
“Many citizens claim that the oil station on San Anselmo Avenue at Tamalpais was allowed to sink its concrete foundations too low. The station entirely spans the creek.”

As **Figure 3-6** illustrates, the large storms of the winter of 2016-2017 were of lesser magnitude (3,000-4,000 cfs) than the events highlighted in Figure 3-5, but flooding still occurred because the current creek capacity is at an approximately 6-year level of flood protection. **Figure 3-7** shows the estimated inundated areas and floodwater flow paths in Ross Valley that occur during a 100-year flood event.



SOURCE: Marin County Flood Control District, 2017

Figure 3-6
Peak Discharges at Ross Creek Gage
during the 2016-2017 Winter



San Anselmo Flood Risk Reduction Project . D211432.07

SOURCE: Stetson Engineers, 2017; National Hydrography Dataset; Marin County

Figure 3-7
 Estimated Inundated Areas During the One Percent
 Annual Chance Exceedance (100-year) Flood Event

3.2.2 Formation of the Flood Control District

Due to this history of severe flooding throughout Marin County, the Flood Control District was created by the California State Legislature through the passage of the Marin County Flood Control and Water Conservation District Act of 1953 (Water Code, Chapter 68 of the Appendix to the Act). The Flood Control District's mission is to reduce the risk of flooding for the protection of life and property while utilizing sustainable practices.

3.2.3 Storm Drainage Fee Fund

In response to the severe flooding that occurred in 2005, voters approved an annual Storm Drainage Fee in 2007 to provide funding for flood protection in Ross Valley. The passage of this ordinance provides funding to meet the following goals (Flood Control District, 2007):

1. Reduce damage due to flooding
2. Offer solutions for homes and businesses
3. Aid homeowners in repairing stream banks
4. Remove bottlenecks that impede water flow
5. Maintain natural creek functions
6. Reduce pollutants entering the San Francisco Bay
7. Incorporate habitat enhancements
8. Improve fish passage

Since the fee's passage, the Flood Control District has utilized these funds to conduct several studies addressing flood reduction in Ross Valley including the *Capital Improvement Plan Study for Flood Damage Reduction and Creek Management for Flood Zone 9/Ross Valley* (CIP) (Stetson, 2011) and the *Ross Valley Flow Reduction Study Report* (CH2M, 2015). These studies utilized a hydrologic and hydraulic model of the Ross Valley Watershed, examined numerous approaches to flood risk management, and ultimately became the framework of the approach being used to develop the Ross Valley Flood Protection and Watershed Program described above. Further details about the utilization of drainage fee funds for the Program and other sources of Program funding are provided in the Flood Control District's annual report available on the Flood Control District website http://marinwatersheds.org/pubs_reports.html#zone_9.

3.2.4 California Department of Water Resources Grant Funding

In addition to the Storm Drainage Fee Fund, the San Anselmo Flood Risk Reduction Project has funding from a California Department of Water Resources (DWR) grant. The funds from that grant were first awarded in 2013 to the Town of San Anselmo based on an application submitted for the Memorial Park Detention Basin Project. Subsequently, following community concerns related to that project, the Town of San Anselmo coordinated with the Flood Control District to reallocate the DWR grant funds to a new project as long as a number of DWR conditions could be met. These requirements include being able to achieve a comparable level of flood risk reduction in a publicly

acceptable project while enhancing environmental conditions and recreational opportunities. A new grant agreement has been authorized by the DWR for this Project.

3.3 Project Objectives

3.3.1 Project Objectives

CEQA requires EIRs to include a clearly written statement of objectives that succinctly describes the underlying purpose of the project being evaluated. The objectives serve to guide the development and evaluation of a reasonable range of alternatives to evaluate in the EIR and support the decision making process.

Based on the flood risk reduction needs of San Anselmo and surrounding communities, the goals of the original DWR grant for the project proposed at Memorial Park, and subsequent guidance about reallocating the grant funds to a different project, the Project objectives are as follows:

1. Reduce the risks related to both frequency and severity of flooding.
2. Provide multiple public benefits including environmental enhancements and recreational enhancements.
3. Provide a flood risk reduction project in balance with available and reasonably foreseeable funding.
4. Maintain the quality of adjoining neighborhoods.
5. Ensure basin design meets community needs.
6. Comply with local, state, and federal environmental laws and regulations.
7. Protect the public's health and safety.

In addition, the Flood Control District has committed to engaging the community in designs for flood risk reduction projects, including FDS basins, and providing opportunities for consistent public participation and input at key decision points.

3.4 Project Elements and Design

3.4.1 Project Element Types

The Project includes two elements, an FDS basin at the former Sunnyside Nursery site and creek capacity improvements made by removing a flow-constraining bridge building in downtown San Anselmo. The next two subsections describe those element types and their general purposes and functions, after which the specific elements in the Project are described which are consistent with the same types of elements as described in the Ross Valley Flood Protection and Watershed Program.

3.4.1.1 Flood Diversion and Storage (FDS) Basins

FDS basins provide a means to capture flows during a flood event to prevent flooding in creeks that cannot currently accommodate peak flood flows. In previous communications, FDS basins were referred to as detention basins. However, the terminology has been updated for consistency with Federal Emergency Management Agency (FEMA) uses. FDS basins are located upstream of developed urban areas in order to provide flood water attenuation and limit flooding in downstream creeks and critical reaches. Typically, these facilities are located below existing grade by excavating an area to the desired depth to capture peak storm runoff during large rainfall events from adjacent streams, creeks and tributaries to reduce the potential of flooding downstream.

Many FDS basins are multi-purpose basins that operate as parks or sports fields the majority of the time. However, when there is intense rainfall and the water surface rises in adjacent creeks and streams, some of the storm runoff may be temporarily diverted away from these surface waters and stored in the FDS basin for a limited period of time until the peak flows in the creek subside. This reduces the volume of water in the creeks and lowers the potential for downstream flooding. Filling the FDS basin is triggered by imminent flooding in the critical reaches of streams (i.e., the places where high flows overtop the stream banks and cause flooding), as indicated by streamflow gages. Once the storm has passed and the water surface in the creeks begins to lower, the stored water can be released back into the creek in a controlled manner ensuring no downstream flooding. Measures such as signage and stairs, ramps, or other exit routes are put in place to ensure public safety during the period when the FDS basin is filling and storing water. Once the flood waters have been released, maintenance measures are quickly undertaken to return a multi-purpose FDS basin to its general use. Some FDS basins are single-purpose for temporary water storage only; they operate similarly during flood events but are not actively used for another purpose.

3.4.1.2 Elements that Increase Creek Capacity

Elements that increase creek capacity allow a greater volume of water to flow in-channel, rather than overflowing and flooding adjacent areas. Maximizing the in-channel flood flow capacity is accomplished by widening and/or deepening certain sections of creeks in the watershed, creating and/or restoring functional floodplains, and modifying, removing, or replacing publicly-owned bridges, culverts, buildings, and bank protection structures that encroach into the creek.

Structures, such as bridges, that encroach into the creek restrict flow in the creek and cause water to back up and overtop creek banks during large flood events. By enlarging the bridge openings and changing the bridge configurations, the creek channels would have increased flow capacity, which would reduce the risk of upstream flooding. In some situations, typically in the most vulnerable sections of the critical reaches, shallow, top-of-bank floodwalls or landscape levees or berms are needed to prevent overflow.

3.4.2 San Anselmo Flood Risk Reduction Project Elements

The following discussion provides a description of each Project element organized geographically by subwatershed. These elements would reduce flood risk in San Anselmo and Fairfax with limited changes to flood risk in downstream communities, as discussed further in Chapter 4. The

locations of the Project elements are shown on **Figure 3-8**. The Project would consist of implementing the FDS basin at the former Nursery site and creek improvements at the Downtown San Anselmo site. The creek channel improvements in San Anselmo are intended to increase flow capacity within the creek channel, and the Nursery site basin is intended to reduce peak instream flows.

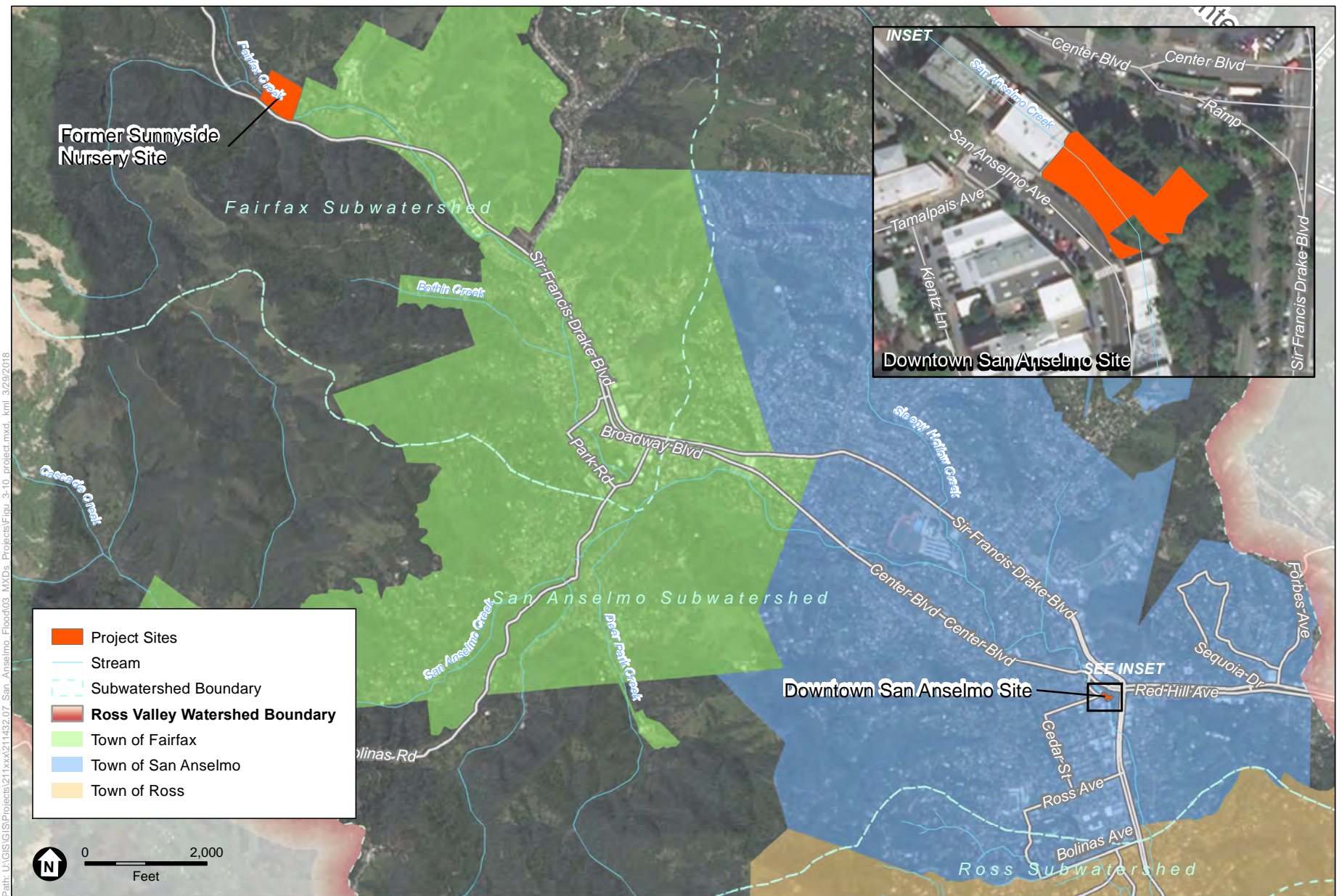
3.4.2.1 Nursery Basin (Fairfax Subwatershed)

The Fairfax subwatershed includes the area upstream of Fairfax Town Hall (Figure 3-2). Fairfax Creek runs through the subwatershed with Bothin Creek as a tributary. Previous studies (FEMA, 2016) have indicated that Fairfax itself is one of several critical reaches in Ross Valley where, during large floods, floodwaters overflow and escape from the creek. To contain 100-year flood flows within the Fairfax Creek channel, these studies indicated that flows should remain below 1,100 cfs. That rate, as measured at the Fairfax Town Hall, is considered a target flow rate for protection against the 100-year flood event. As a first step toward meeting this flow target, the Project would achieve a reduction in flow rate by constructing an FDS basin upstream of Fairfax, at the former Sunnyside Nursery site. Currently, portions of Fairfax are inundated at flood events with greater probability of occurrence than a 10-year event.

The former Sunnyside Nursery is a 7.7-acre site northwest of the Town of Fairfax, along Fairfax Creek near Loma Alta Open Space Preserve.³ There is potential to configure the site to allow for both a FDS basin and environmental enhancements with native plantings. Because of the site's previous land use, this EIR uses the name "Nursery Basin" for this Project element.

As shown on **Figure 3-9**, the Nursery Basin would be approximately 500 feet long by 350 feet wide, and would generally be excavated up to six feet deep to an elevation of 224 feet NAVD88 (at the southeast corner). The basin's internal slopes are planned to vary between 2 horizontal to 1 vertical (horizontal:vertical; "h:v") and 3 to 1 h:v. An engineered levee approximately 8 feet high, underlain by a shallow seepage cutoff wall installed to an approximate elevation of 217 feet, would be built along the eastern side of the basin to retain stormwater below approximate elevation 238 feet (NAVD88) and to protect the neighboring residences to the east from seepage or other forms of ground failure. The installation of the cutoff wall would involve excavating a 3-foot wide trench from the current elevation of 224 feet down to elevation 217 feet and backfilling with a low permeability soil-bentonite mixture. The levee side slopes on the outboard side would be 3 to 1 h:v. A similar levee is not needed on the northern edge of the basin because of the existing higher ground elevations. A low (1- to 2-foot high) levee would border the basin on the western side. The southern border of the basin abuts Fairfax Creek and its riparian corridor. The west and east levees would transition to an aggregate-surfaced access road along the southern border and an approximate 100-foot wide side-weir that would be constructed of earth fill, heavy geotextile fabric, and rock slope protection. The interior basin slope would be covered by erosion control blankets and native grass.

³ In September 2016, the Flood Control District purchased the 7.7-acre Sunnyside Nursery plot and held a series of community meetings to discuss the potential FDS basin construction, design and timing with local residents.



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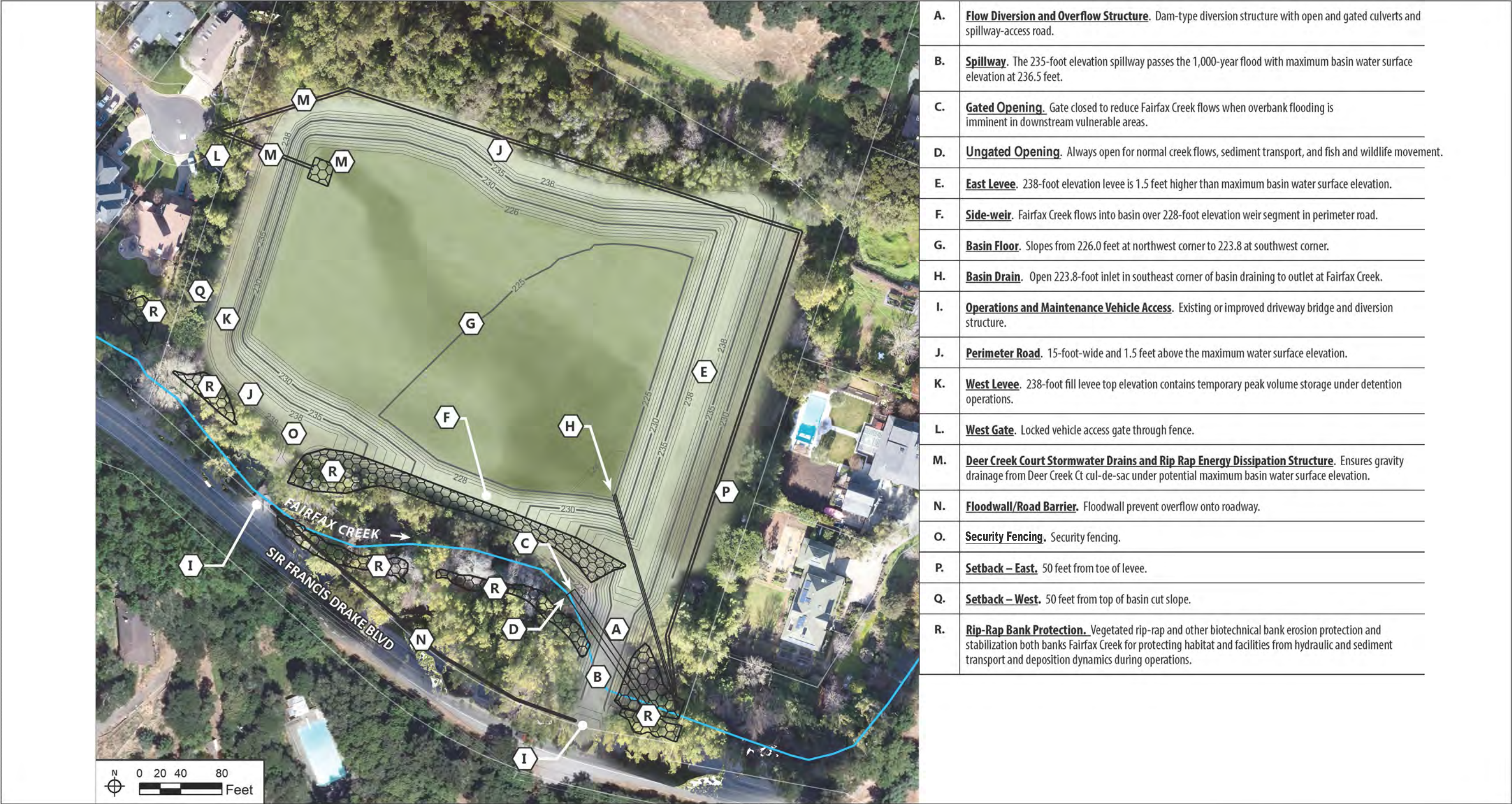
SOURCE: CH2M; National Hydrography Dataset; Marin County

Figure 3-8
Overview of Project Elements

Elevations at the eastern side of property currently range between 230 feet and 238 feet NAVD88, and the land naturally slopes from higher ground at the northwest corner down to the southeast corner. The proposed design would make use of this existing condition by maintaining the general drainage pattern and adding a culverted exit at the southeast corner that would drain into Fairfax Creek at approximate elevation 224 feet (NAVD88). The basin bottom would slope approximately 0.5%, from northwest to southeast. A channel would be constructed within the basin's interior to carry seasonal flows from the northwest corner to the southeast corner. There would be an outlet structure in the lower southeast corner of the basin to allow gravity drainage of the basin. This structure includes a ~~riser pipe sloped trash rack~~ to minimize clogging by debris and still allow fish to pass over it to reach the outlet pipe. ~~and There would also be a gate to manage outflow from the basin.~~ The structure would be connected to a 36-inch by 200-foot long pipe that would drain into Fairfax Creek downstream of the basin. The outlet pipe would be constructed within the former Sunnyside Nursery site parcel and discharge to Fairfax Creek downstream of the basin.

A 15-foot wide vehicle access/maintenance road would be provided around the basin perimeter at the top of bank or top of levee. This access road would be connected to the north end of the existing bridge crossing Fairfax Creek. The existing bridge would remain in place, though its decking could be replaced or augmented to add load-bearing capacity. A 13-foot tall flow diversion and overflow structure (diversion structure) would be constructed across Fairfax Creek at the southeast corner of the basin, which would also serve as a secondary access ramp to the basin from Sir Francis Drake Boulevard. A designed low point near the center of the diversion structure would act as an overflow to direct peak flows greater than the basin's capacity into Fairfax Creek downstream of the project site. An opening or openings would be installed within the diversion structure (discussed in greater detail below). ~~SA~~ A six-foot high chain link security fencing and gates would be installed around the perimeter along portions of the southern edge of the basin. Signage and electrical and control wiring structures necessary to operate the flow control gates would be installed. Earthen ditches along the outside of the northern and eastern sides of the basin would direct water draining from the adjacent Marin County Open Space District lands around the basin and into Fairfax Creek.

The basin's appearance would be enhanced using a naturalistic design concept. As the name implies, the naturalistic basin would have less steeply sloped side walls than a typical basin design. The bottom and sides would not be lined with concrete or left as bare earth but would instead be planted with native grasses and plants, and existing trees on the site perimeter would be retained. Trees within the creek would also remain, except as required to construct the new diversion structure and side-weir. A 50-foot setback would be provided from the top of bank to the property line on the western side of the Project area and also from the toe of levee to the property line on the east side of the Project area. The seasonal drainage channel and catch basin/inlet area is expected to develop into a seasonal wetland. The basin bottom and cut slopes would be planted/hydro-seeded to establish a native grassland. Oak-Bay Woodland plantings would be planted along the outer toe of the engineered levee on the east side of the basin and at other selected locations outside the engineered and compacted footprint of the levee to avoid any potential for root penetration through the structure.



SOURCE: Marin County Flood Control District, Geomorph Design, Walls Land+Water, and Stetson Engineers

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 3-9
Nursery Basin Site Plan

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An opening or openings designed to pass up to 400 cfs of water would be included in the diversion structure in Fairfax Creek; the likeliest design is an open-bottom design to support natural stream flows and sediment transport. The opening would be set into the current primary channel of Fairfax Creek in such a way that it would be the main channel during normal, low-flow conditions. The outflow from the basin would be through the 36-inch outlet pipe described above. Both the diversion structure opening and the outlet pipe would be gated so that they could be operated by staff from the Flood Control District. More detailed basin operation is described below in Section 3.5.

During ~~high-rainfall~~ design flood (flooding imminent in downtown Fairfax) events, the partial closure of the opening ~~and in~~ the diversion structure would sufficiently impede the downstream flows in Fairfax Creek to cause ponding in the Fairfax Creek channel between the floodwall along Sir Francis Drake Boulevard and a lower armored side-weir that would allow water to spill into the basin, filling it. The impeded flows would not be complete; a base flow of approximately 400 cfs would still pass through the opening(s) in the diversion structure, allowing fish passage similar to that currently experienced in winter flows.

The Nursery Basin would have a storage capacity of approximately 26 acre-feet of stormwater. Note that this capacity does not include the additional water volume that could be detained in the Fairfax Creek channel, immediately upstream of the diversion structure. An approximately 400-foot long concrete floodwall (no more than 3 feet tall) would be installed along the southern bank of Fairfax Creek channel to prevent flows spilling onto Sir Francis Drake Boulevard. The floodwall would extend along Fairfax Creek between the existing access roads and the one on top of the diversion structure. The Fairfax Creek channel would provide an additional 5.6 acre-feet of stormwater capacity within the creek area, making the total detention capacity 31.6 acre-feet. The top of the floodwall would be at elevation 238 feet NAVD88. Scour protection (such as rock slope protection or similar materials) would be added along the southern bank of the channel between the diversion structure and the existing bridge and upstream of the existing bridge. Scour protection would also be installed within the Fairfax Creek channel from the downstream side of the diversion structure to approximately 10 feet downstream of the outlet pipe. Approximately 300 to 400 feet of new guard rail would also be installed, along the north edge of Sir Francis Drake Boulevard, upstream and downstream of the new floodwall.

3.4.2.2 Downtown San Anselmo Site (San Anselmo Subwatershed)

The San Anselmo subwatershed includes the area upstream of Bolinas Avenue in San Anselmo and downstream of the Fairfax subwatershed as shown on Figure 3-8 San Anselmo Creek runs through the subwatershed with tributaries that include Deer Park, Sleepy Hollow and Sorich Creeks. In downtown San Anselmo, constrictions in the channel of San Anselmo Creek reduce creek capacity and cause local flooding. The Downtown San Anselmo portion of the Project would address that condition. The creek capacity improvements in the Project would include removal of a commercial building over San Anselmo Creek and creek improvements along the channel in the vicinity of that building and the adjacent Creek Park. As part of the proposed building acquisition a relocation plan is being drafted in concert with this EIR to address the tenants that occupy the building. These improvements are described in more detail below.

To reduce flooding of downtown San Anselmo and areas further downstream, the Project would remove a private commercial building at 634-636 San Anselmo Avenue (formerly known as Bridge Building #2 and shown on **Figure 3-10**). This building has concrete footings and other foundation structures in the stream channel as well as a relatively low soffit that extends below the top of the creek bank (the underside of the “bridge” over the creek). This structure is approximately 60 feet long by 90 feet wide. Foundation structures include a smaller box culvert-shaped segment on the north side of the crossing.

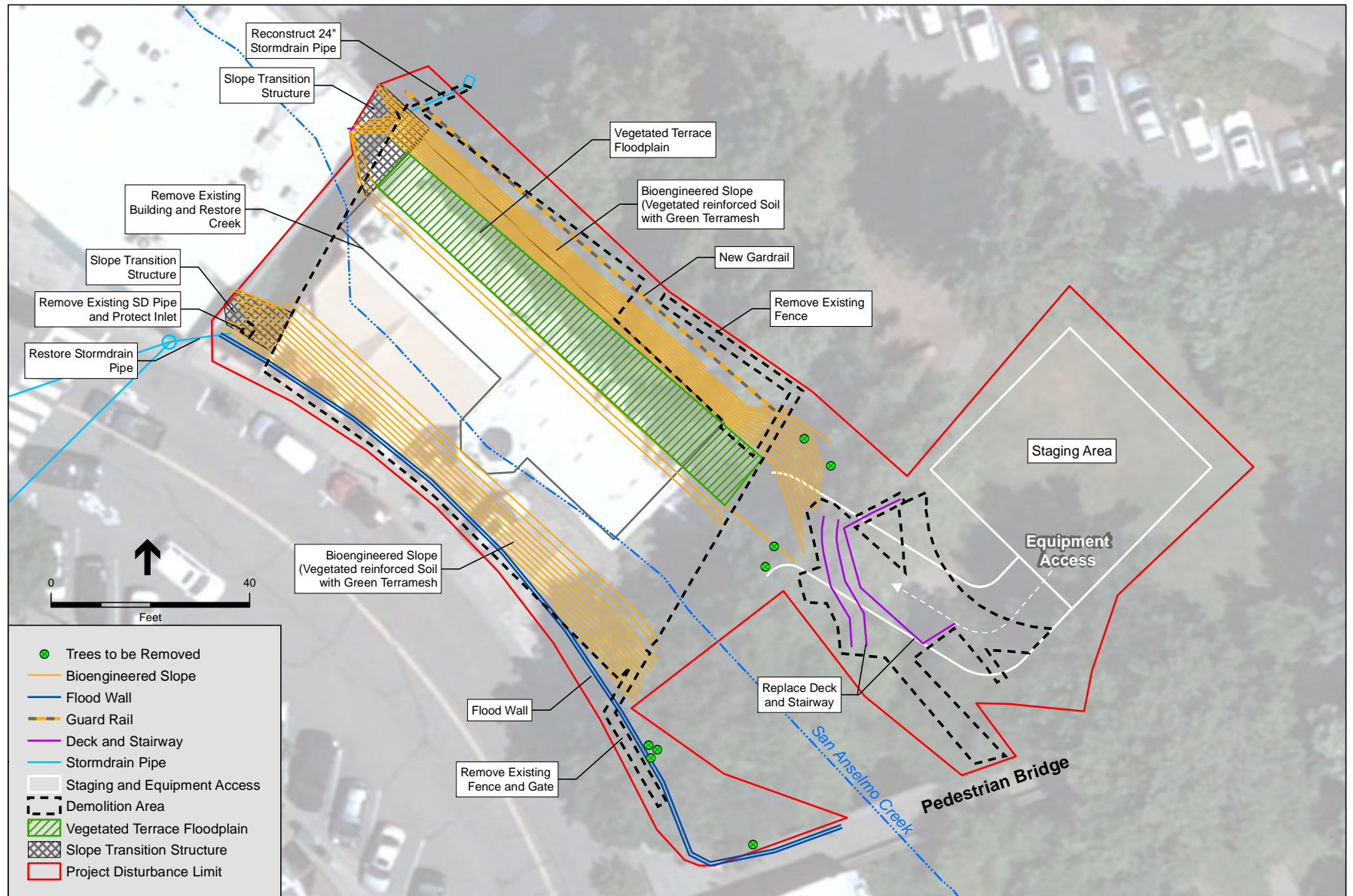


San Anselmo Flood Risk Reduction Project / 211432.07

SOURCE: ESA

Figure 3-10
634-636 San Anselmo Avenue

Together, these aspects of that building form a substantial impairment to flows in San Anselmo Creek, and removing them would allow more flood water to remain in the creek channel. As shown on **Figure 3-11**, all structures associated with 634-636 San Anselmo Avenue would be removed. The channel would be sloped back and bioengineered using bio-stabilization slope protection methods to restore the creek banks, as shown in **Figure 3-12**. Along the southern side of the stream, at the top of the stream bank, a new floodwall would be constructed to provide flow containment. The existing concrete sidewalk along the southern side of the stream would be removed and reconstructed.

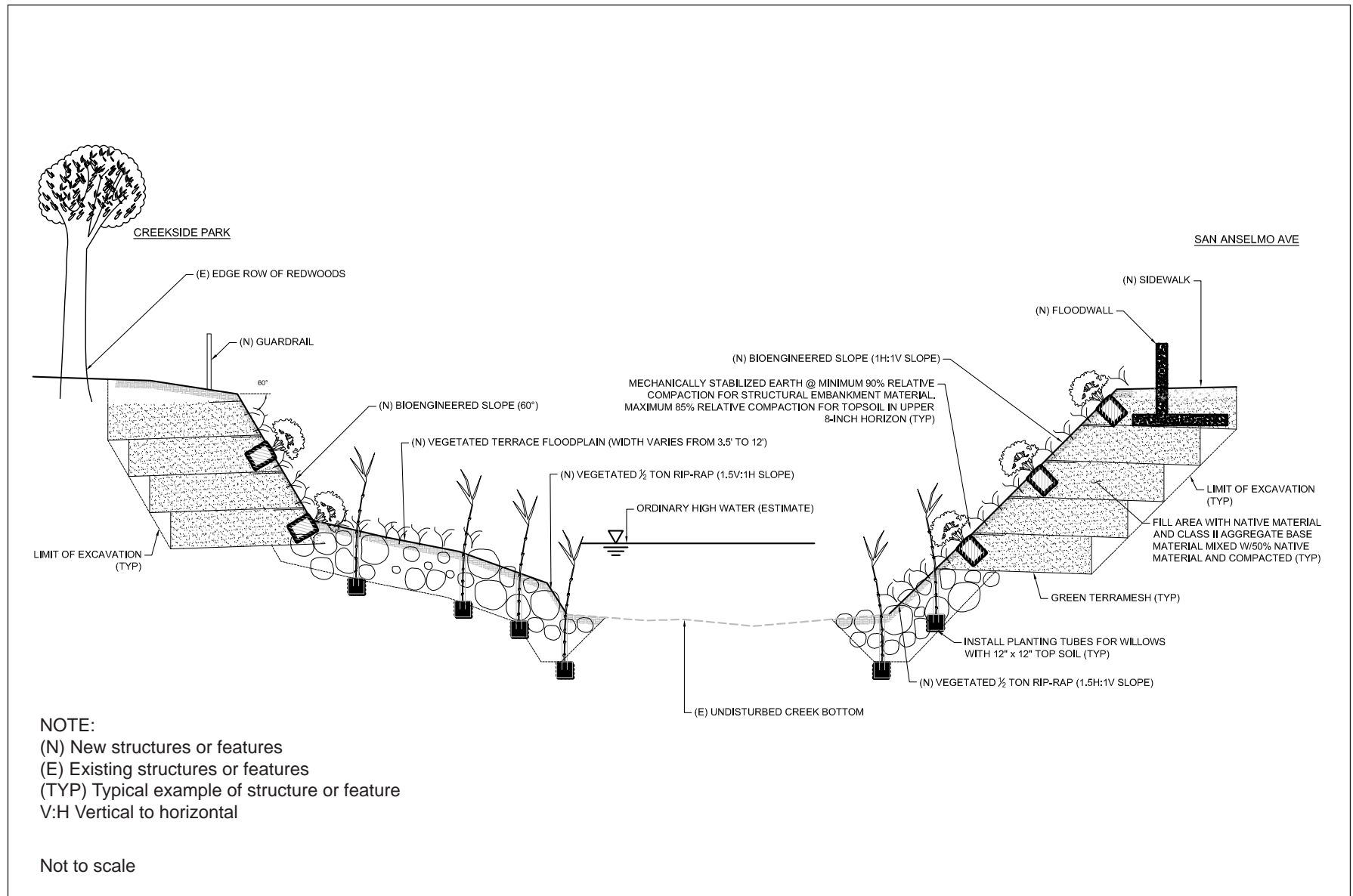


SOURCE: Marin County, 2018

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 3-11

634-636 San Anselmo Avenue (Downtown San Anselmo Site) Plan



The stream banks on the northeastern and eastern sides of the creek would be sloped back, regraded or terraced and bioengineered using bio-stabilization slope protection methods to restore the creek banks. The bioengineered slopes would be vegetated reinforced soil slopes planted with riparian woodland shrubs to allow opportunities for future restoration efforts with the Town of San Anselmo's Creek Park, at the Town's discretion.

The wooden observation structure on the north bank, adjacent to Creek Park, would be temporarily removed during construction and then replaced once construction is complete. The existing fence and gate marking the downstream end of 632-636 San Anselmo Avenue would also be demolished. All new slopes would be planted with willow tubes and native shrubs. Two existing storm drain outfalls, one at each side of the creek upstream of the demolition footprint, would be reconstructed with new rock slope protection outfalls. A new reinforced concrete floodwall would be constructed along the south side of the creek, adjacent to the street. A new concrete sidewalk would abut the outside of the floodwall along the street. A new pedestrian guardrail, approximately 100 feet long, would be constructed along the north top of bank. Eight trees or stumps in the Downtown San Anselmo area would be removed during construction.

3.4.2.3 Benefits of Project Implementation

Preliminary modeling indicates that implementing the above elements would reduce the frequency of flooding in Ross Valley, and reduce the severity of flooding by reducing the total area of inundation in the San Anselmo and Fairfax subwatersheds. **Figures 3-13a, 3-13b, and 3-13c** show the Project's change in inundation depth during the 10-year event, illustrating the modeled change in depth and extent in three general areas of the watershed. These areas were chosen to capture the complete effects of the project on existing flood patterns, and range from downtown Fairfax at the upstream end to lower downtown San Anselmo and Ross at the downstream end. As shown, the Project would generally reduce inundation depths and extent in the watershed. The greatest reduction would occur during the 10-year event; the Project would result in relatively smaller reductions during the larger and less frequent events (such as the 25-year event shown in **Figures 3-14a, 3-14b, and 3-14c** and the 100-year event shown in **Figures 3-15a, 3-15b, and 3-15c**).

Table 3-1 presents a summary of the modeled number of parcels that would be removed from the inundation areas, that would see a reduction in inundation depths, or that would see an increase in inundation depths (including being newly added to the flood zone). These modeled results are shown for the 10-, 25-, and 100-year events. These results and other relevant model results are presented in more detail in Section 4.9, Hydrology and Water Quality, but they are previewed here as an overview of the relative beneficial effects and potentially adverse effects of Project implementation. These results indicate that many more parcels would receive benefits related to flood risk reduction than the very small number that would experience increased flood risk.

TABLE 3-1
MODELED PROJECT OUTCOMES ON PARCELS AFFECTED BY FLOODING

Flood Risk Change by Number of Parcels	10-year event	25-year event	100-year event
Removed from Inundated Area	300	20	10
Decreased Inundation Depth	230	615	470
<i>Added to Inundated Area or Increase in Depth</i>	<i>0</i>	<i>20</i>	<i>20</i>
Total with Reduced Flood Risk	530	635	480
Total with Increased Flood Risk	0	20	20

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017

3.5 Construction, Operation, and Maintenance

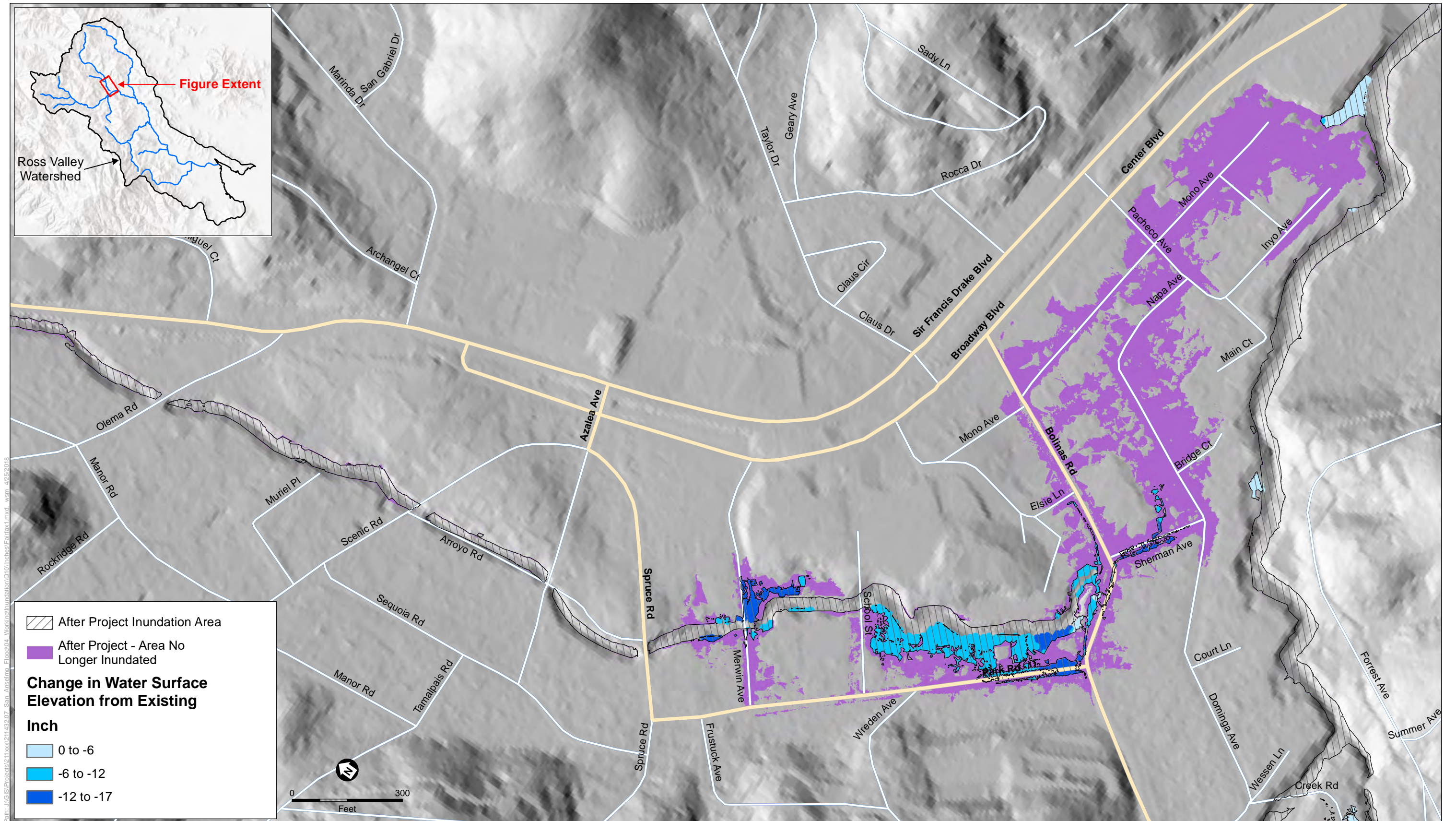
3.5.1 Project Construction

Project elements would result in some level of alteration of existing physical conditions within or adjacent to stream channels. These alterations would result in the temporary disturbance, permanent loss, or permanent enhancement of various resources. Construction activities at the Nursery Basin site would disturb approximately 5.5 acres, though the parcel boundary itself encloses 7.7 acres. The staging would occur within that area. Construction activities at the downtown San Anselmo site would disturb approximately 0.3-acres, including the staging area at Creek Park.

3.5.1.1 Equipment

Equipment usage would depend on the individual needs of each element type, as well as the discretion of individual contractors. The following presents a list of equipment types that would be likely to be used during implementation of the Project.

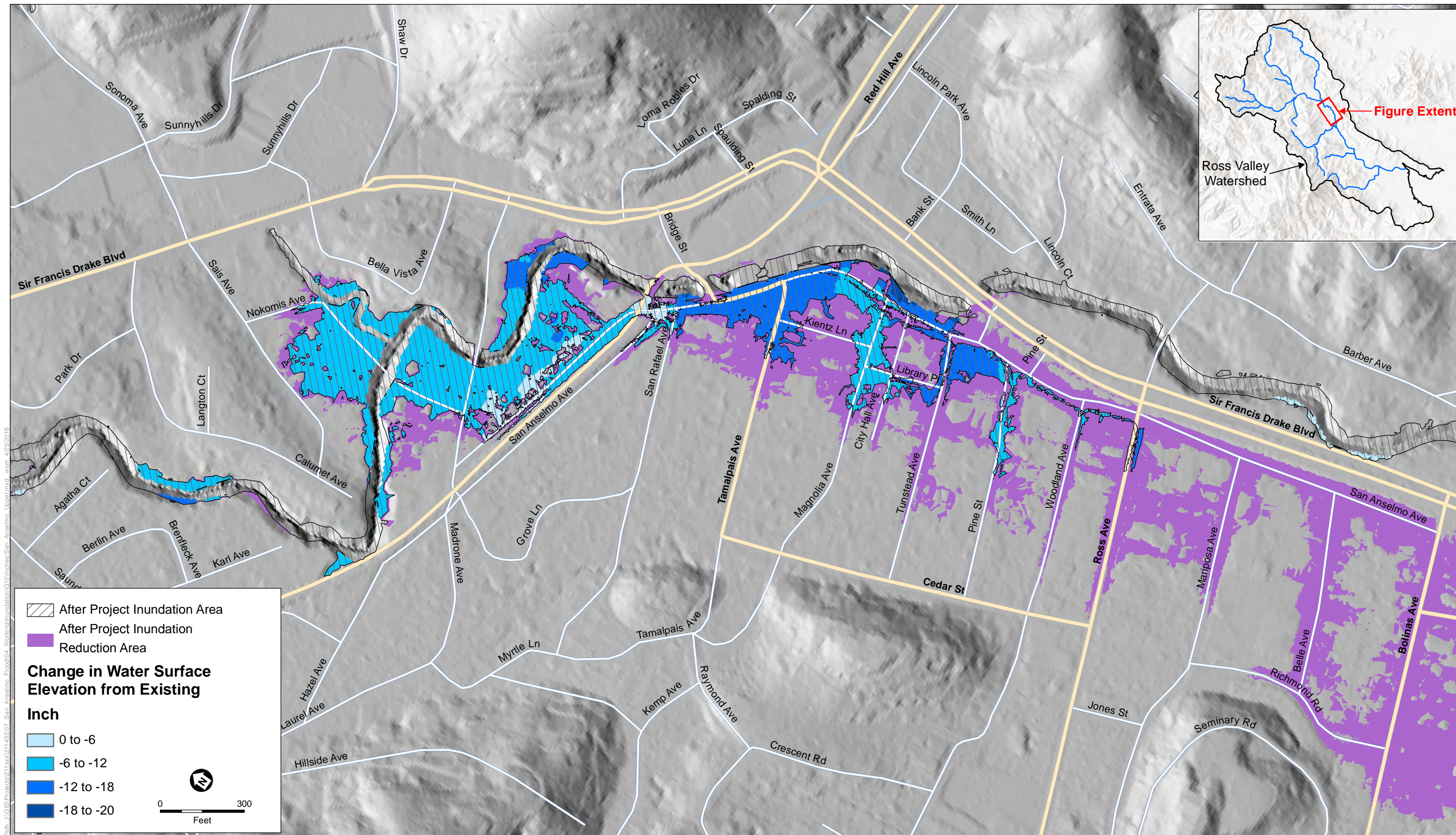
- | | |
|-----------------------------|------------------------------------|
| 1. Pavement saw | 15. Concrete pumper |
| 2. Jackhammer | 16. Water pump and treatment skid |
| 3. Grader | 17. Vacuum truck |
| 4. Excavator | 18. Sand shaker |
| 5. Compactor | 19. Crane |
| 6. Bulldozer/backhoe/loader | 20. Boom truck |
| 7. Flatbed trucks | 21. Water truck |
| 8. Drill rig Cyclone filter | 22. Generators and air compressors |
| 9. Pump rig | 23. Concrete trucks |
| 10. Welding rig | 24. Baker tanks |
| 11. Forklift | 25. Dump trucks |
| 12. Manlift | 26. Bottom dump truck/trailer |
| 13. Jumping jacks | 27. Pickup truck |
| 14. Scraper | 28. Hydroseeder |



SOURCE: Stetson, 2018

San Anselmo Flood Risk Reduction Project

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

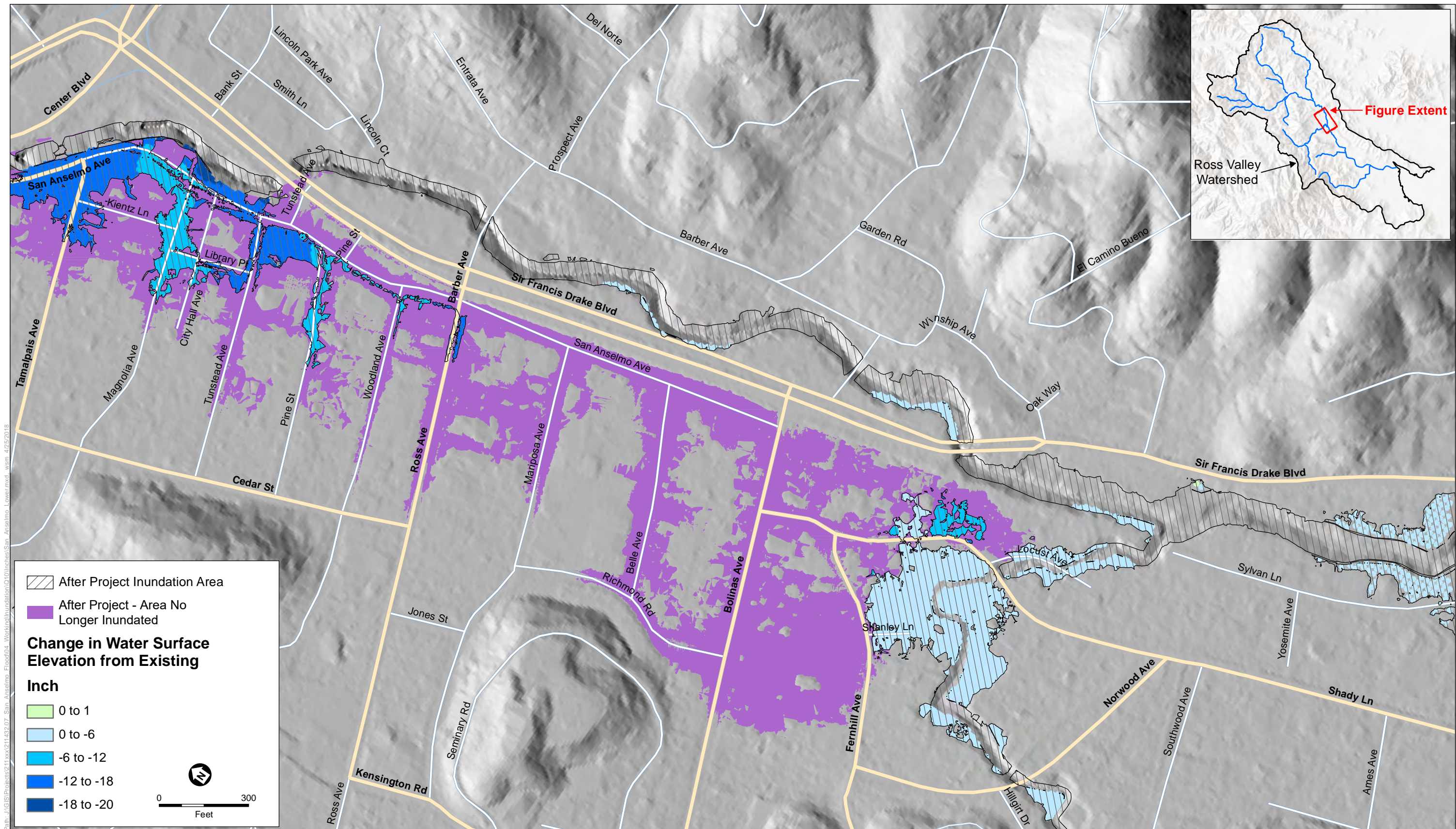


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-13b
Water Surface Elevation Change With Project
10 - Year Flood Event: Upper San Anselmo

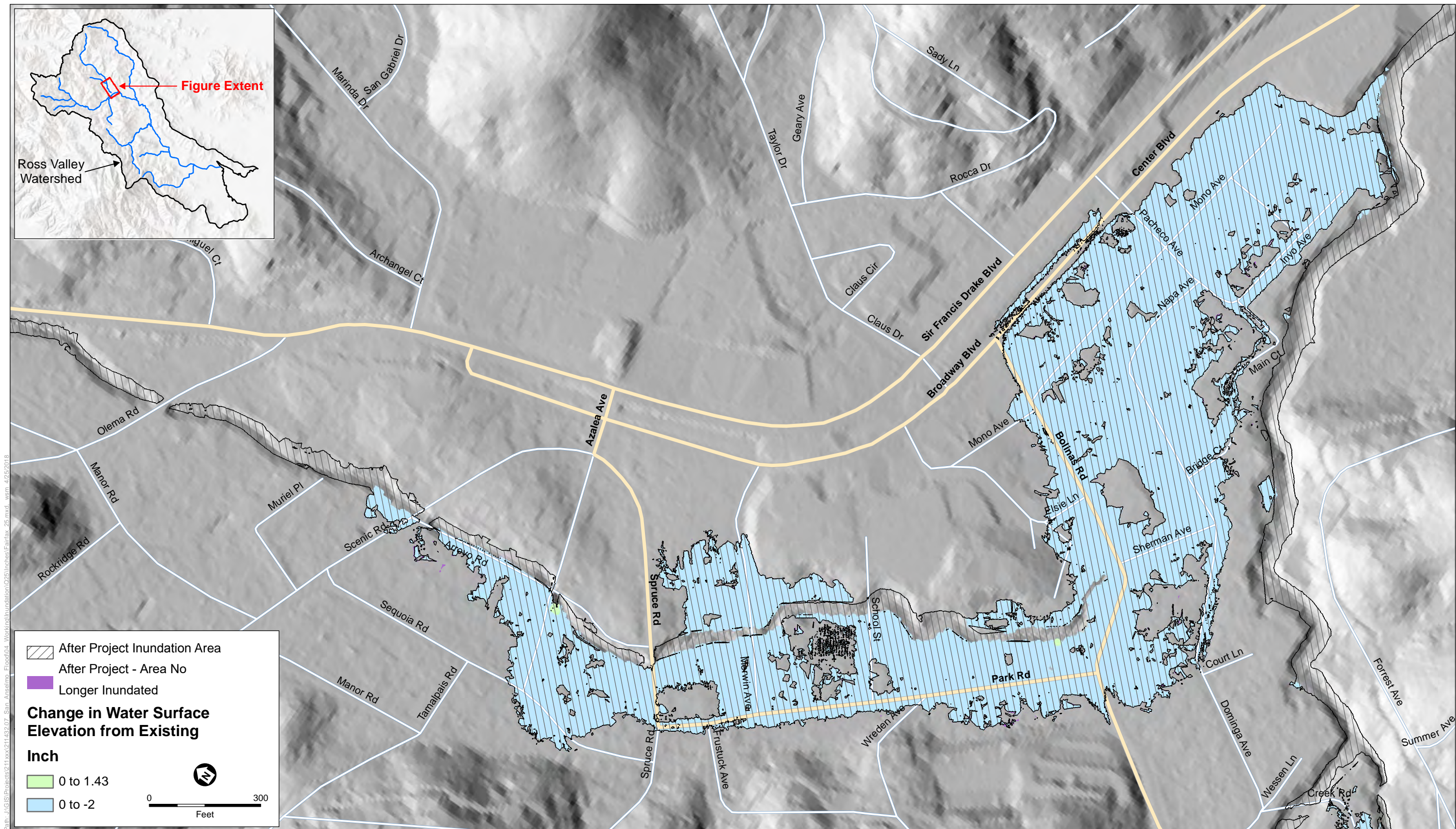


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

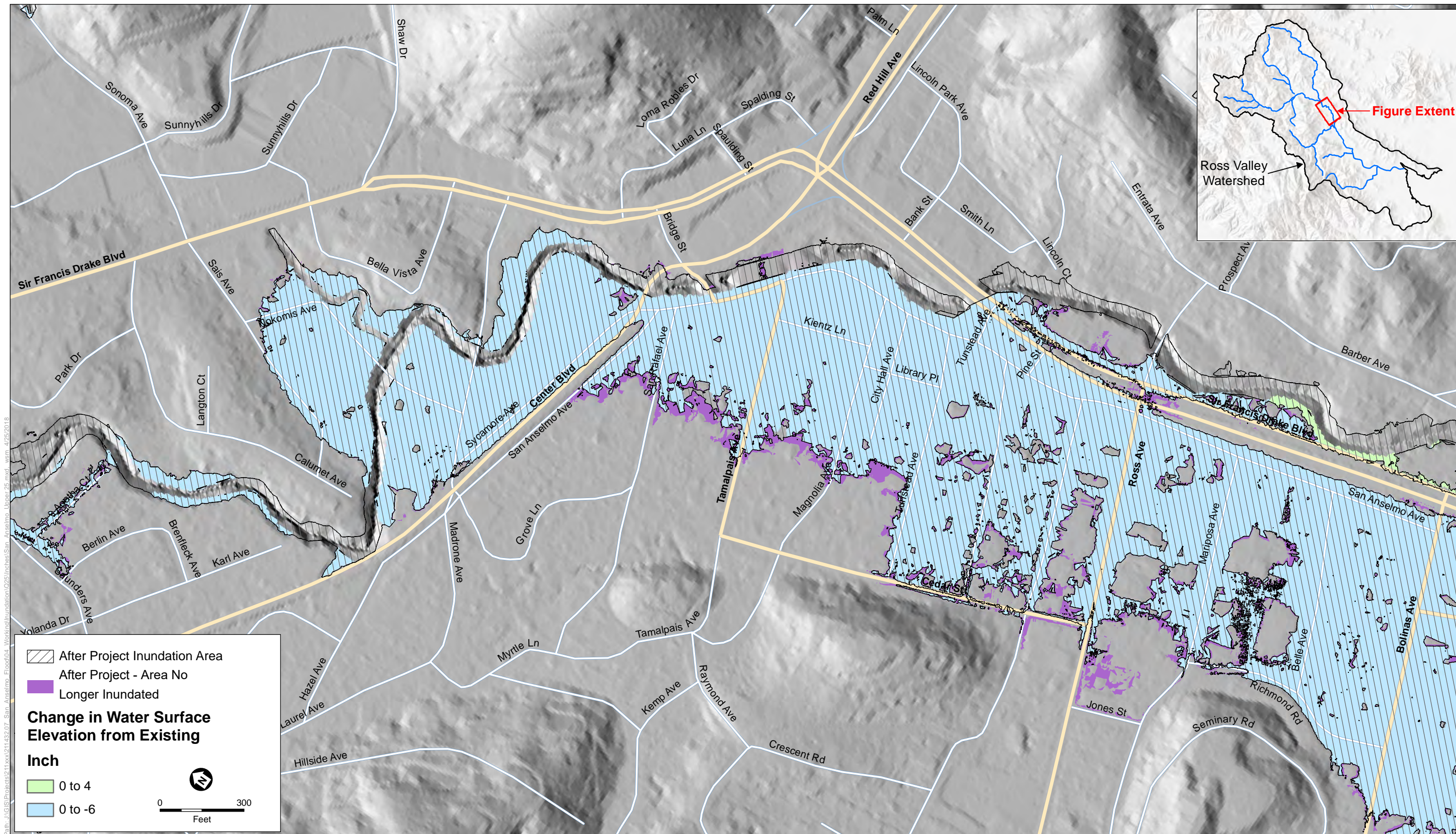
Figure 3-13c
Water Surface Elevation Change With Project
10 - Year Flood Event: Lower San Anselmo



SOURCE: Stetson, 2018

San Anselmo Flood Risk Reduction Project

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

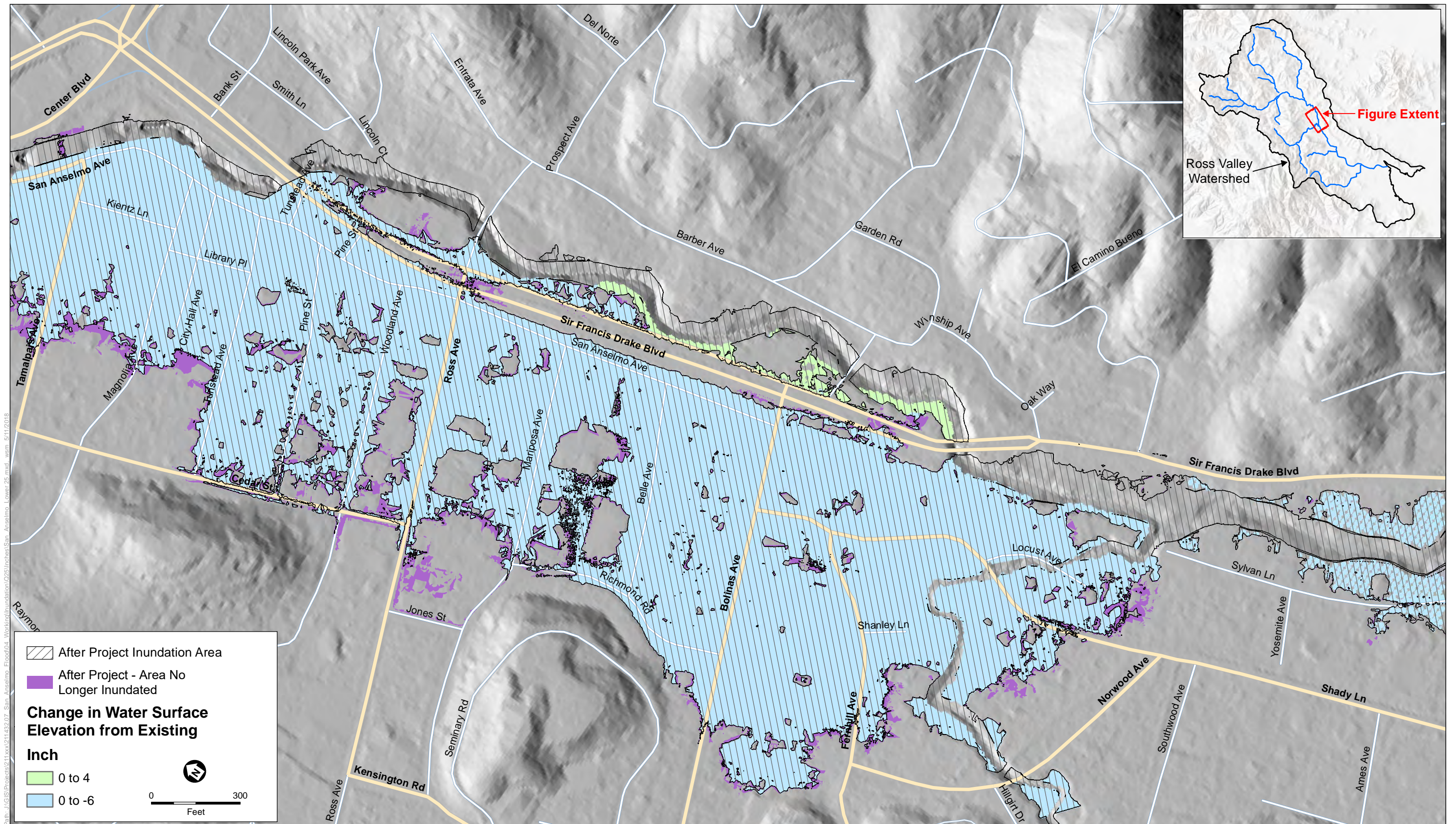


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-14b
Water Surface Elevation Change With Project
25 - Year Flood Event: Upper San Anselmo

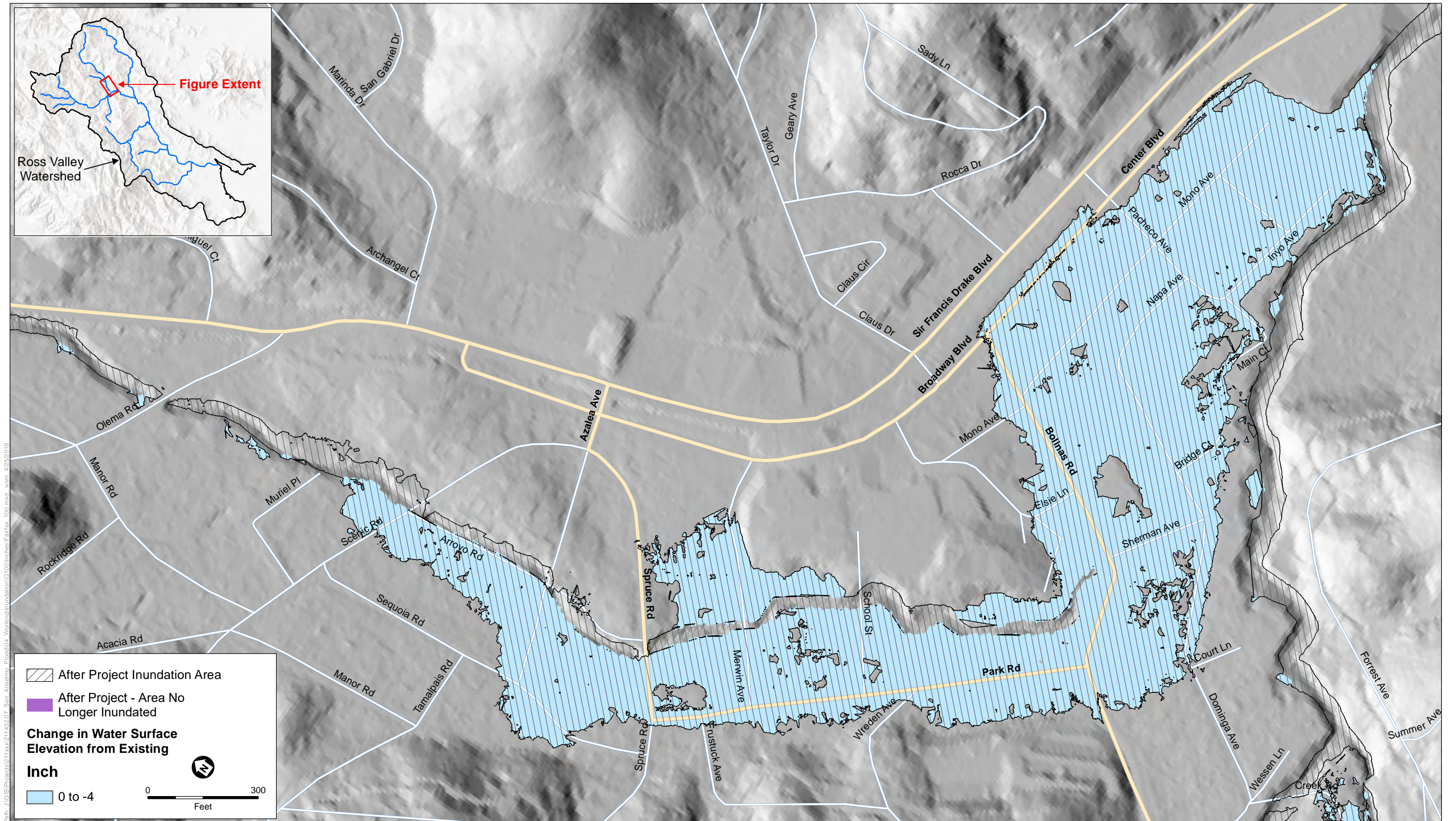


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-14c
Water Surface Elevation Change With Project
25 - Year Flood Event: Lower San Anselmo

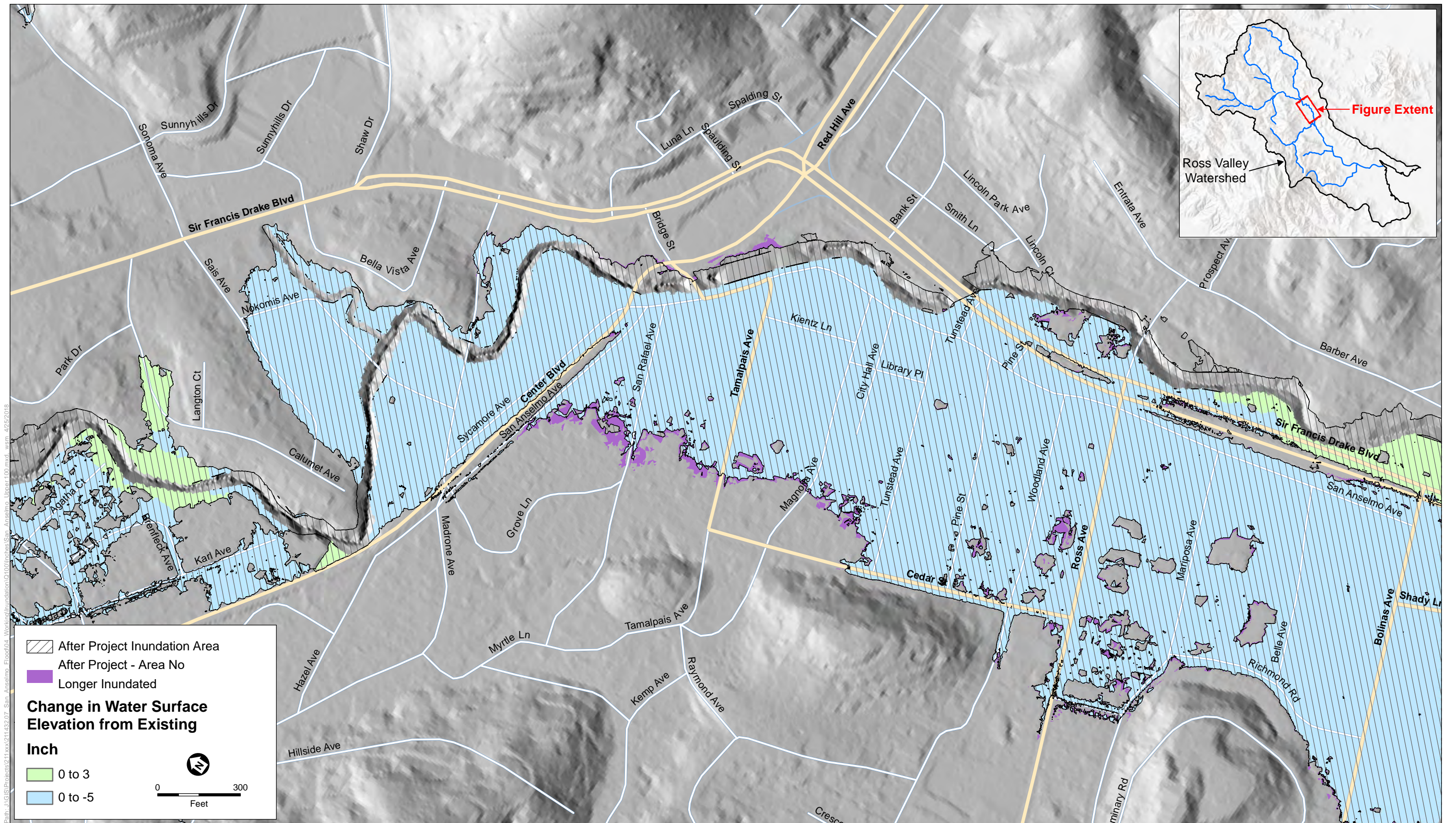


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15a
Water Surface Elevation Change With Project
100 - Year Flood Event: Fairfax Area

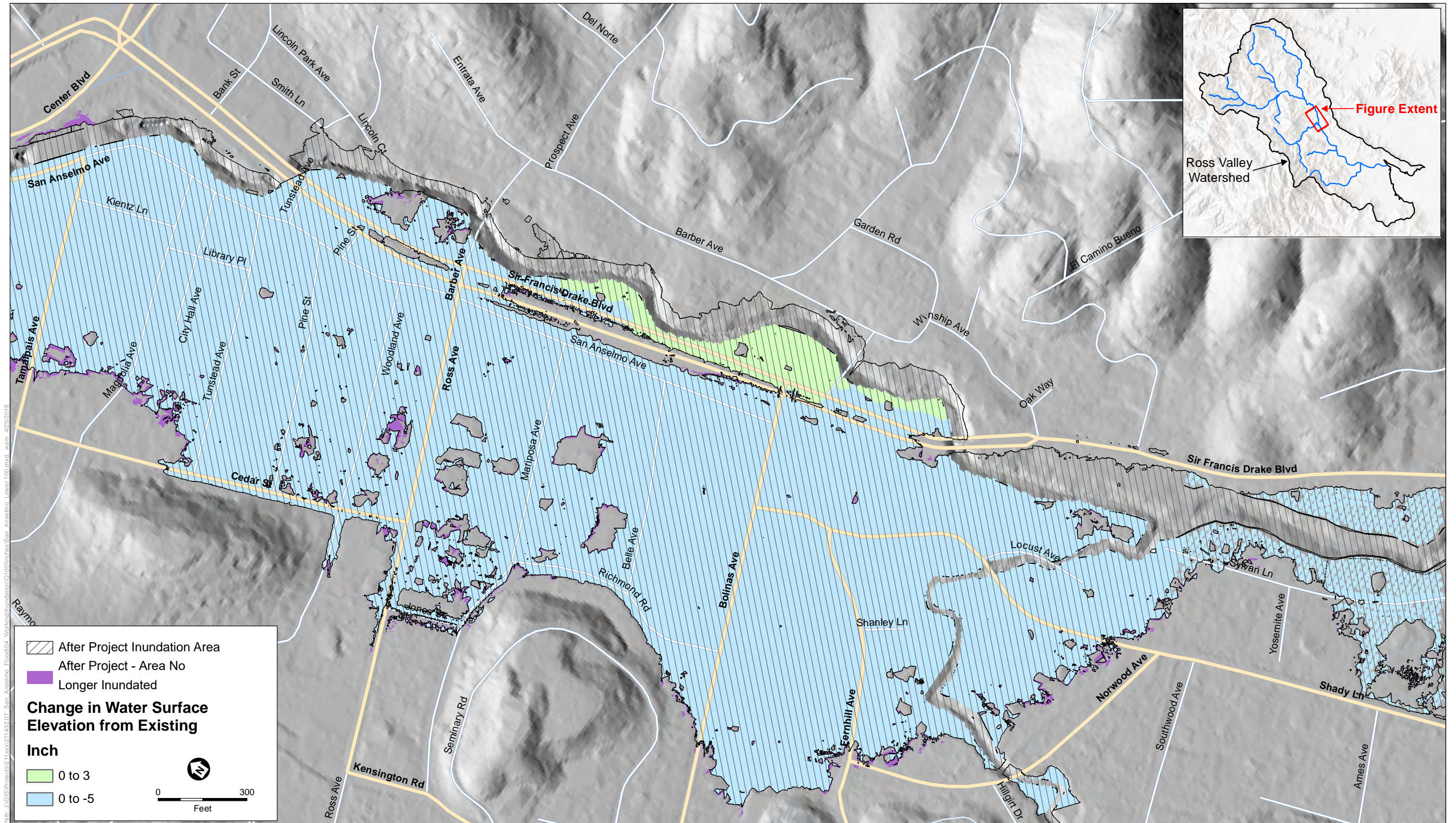


SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15b
Water Surface Elevation Change With Project
100 - Year Flood Event: Upper San Anselmo



SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 3-15c
Water Surface Elevation Change With Project
100 - Year Flood Event: Lower San Anselmo

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3.5.1.2 Construction Crews/Durations of Individual Project Elements and Construction Site Access

General construction timeframes and crew size estimated for Project implementation are shown in **Table 3-2**. Construction is expected to occur concurrently at the two project sites in 2020. Construction activities would occur on weekdays between the hours of 7:00 a.m. and 7:00 p.m. at the Downtown San Anselmo site and 8:00 a.m. and 5:00 p.m. at the Nursery Basin site. No nighttime construction activities would occur as part of the Project.

At the Nursery Basin, construction staging would occur within the project area. The Nursery Basin site would be accessed from Sir Francis Drake Boulevard using the existing bridge. At the downtown San Anselmo site, construction staging would occur on the northern side of the creek within Creek Park, between the pedestrian bridge and the parking area. Site access would be afforded from the staging area. Construction equipment would be delivered to the staging area via the Creekside Park parking area.

TABLE 3-2
ANTICIPATED CONSTRUCTION DURATION, BY PROJECT ELEMENT^a

Project Element	Estimated Maximum Construction Duration (months)	Estimated Maximum Construction Crew Size (Individuals)
Flood Diversion and Storage (FDS) Basin at the Former Sunnyside Nursery Site	8	20-30
Downtown San Anselmo (634-636 San Anselmo Avenue Building removal and other creek improvements)	4	20-30

NOTE:

^a Time periods and crew numbers are estimates based on the highest numbers provided pursuant to Project element at current stage of design.

3.5.1.3 Hauling of Demolition Debris, Excavated Soil, and Construction Equipment and Materials

A total of approximately 2,940 vehicle loads would be associated with the Project. Building demolition and total project earthwork would generate approximately 29,100 cubic yards of demolition debris and soil requiring off-site transport.⁴ As summarized in **Table 3-3**, a maximum of 154 truckloads per day would be needed to haul demolition debris and soil to appropriate sites for disposal or recycling, assuming construction hauling occurs concurrently at both Project locations (construction sequence and schedule is discussed below). The soil that is excavated from the Nursery Basin site (approximately 28,000 cubic yards) may be beneficially reused in an appropriate project or may be hauled to Redwood Landfill, located north of Novato, for disposal. After demolition and excavation, materials would be delivered to the project sites using dump trucks and flatbed trucks. Approximately 350 vehicle loads would deliver rip rap and bioengineered slope materials to the downtown San Anselmo Site. Another 300 vehicles loads

⁴ Assuming 14.5 cubic yards of material per truck load.

would deliver rip rap to the Nursery Basin site. Other vehicles associated with construction activity, such as service trucks and porta-potty trucks, would account for about 270 vehicle loads.

TABLE 3-3
PROJECT ELEMENT VEHICLE LOAD ESTIMATES

Project Element	Total Truck Loads
Flood Diversion and Storage (FDS) Basin at the Former Sunnyside Nursery Site	2,482 (maximum of 146 truckloads per day for 19 days during excavation and hauling)
Downtown San Anselmo (634-636 San Anselmo Avenue Building removal and other creek improvements)	460 (maximum of 8 truckloads per day for 9 days during demolition)
Total	2,942 (maximum of 154 trucks per day assuming construction activity overlaps)

SOURCE: CH2M Equipment and Work Durations, March 9, 2018

3.5.2 Implementation Sequence and Schedule

As described in Section 3.4, the Project elements essentially provide two different approaches to reducing flood risk: increasing creek capacity by removing impediments to creek flow and reducing peak flood flows by detaining such flows with an FDS basin. The sequencing of development of these elements must be considered carefully to avoid inadvertently increasing flood risk downstream of individual elements. For example, removing flow constraints that are causing localized flooding in downtown San Anselmo without first increasing upstream flow storage or increasing downstream creek capacity could simply transfer flooding downstream. For that reason, it is generally considered best practice when constructing flood improvements in a watershed to do the following:

1. If feasible, start downstream and move upstream, thereby increasing capacity at the lower reaches to be able to receive increased flows from upstream.
2. Build FDS basin capacity before removing or reducing flow constrictions that would release previously bottlenecked flows downstream.

In this case, however, because both Project elements would be constructed in the same season, effectively adding upstream storage capacity and reducing the peak downstream flows at the same time such that subsequent increases in flow capacity could be implemented without passing peak flows farther downstream than San Anselmo.

Anticipated project construction sequences are summarized below. **Table 3-4** presents detailed construction steps.

TABLE 3-4
PROJECT CONSTRUCTION ACTIVITIES AND SEQUENCING

Construction Activity	Description For Nursery Basin	Description for Building Removal and Site Restoration (in Downtown San Anselmo Section)
Mobilization	Contractor gathers and transports equipment and personnel to the site; a construction office/staging area is established. Construction signage is installed on Sir Francis Drake Boulevard. Survey markers are installed to define work areas.	Contractor gathers and transports equipment and personnel to the site; a construction office and staging area is established. Contractor installs construction area signs on San Anselmo Avenue, re-stripes San Anselmo Avenue, narrow lanes (shift traffic to north-bound side of San Anselmo Avenue), closes sidewalk and installs a temporary safety barrier (often called a Jersey barrier or a k-rail) along north-bound side. Contractor installs construction fencing/access gates as required, Contractor sets up staging area.
Erosion Control Measures	Contractor installs orange plastic fencing and temporary fencing around the site to protect existing trees to remain and creek habitat and for site security and public safety. Contractor installs temporary erosion control best management practice elements to prevent stormwater erosion until vegetation and/or permanent slope protection is installed.	Contractor installs orange plastic fencing and temporary fencing erosion control measures around the site to protect adjacent properties, existing trees to remain and creek habitat and for site security and public safety. Contractor installs temporary erosion control best management practice elements to prevent stormwater erosion until vegetation and/or permanent slope protection is installed.
Stream Diversion	See "Creek Earthwork" line item below.	Contractor diverts stream flows into a culvert or side of the channel to facilitate construction activities; cofferdams and temporary pumps may be employed.
Demolition	Contractor demolishes all existing man-made structures on site and hauls them off site to a dump or recycling center.	Contractor demolishes the existing wood frame building and underlying concrete bridge structures on site and hauls them off site to a dump or recycling center.
Clearing and Grubbing	Contractor removes trees, shrubs and grass/topsoil as necessary, within construction footprint. This material is loaded into trucks and hauled offsite to a dump or recycling/compost center. Topsoil would be stockpiled onsite for replacement after grading is complete.	Contractor removes trees, shrubs and grass/topsoil as necessary, within construction footprint. This material is loaded into trucks and hauled offsite to a dump or recycling/compost center. Topsoil would be stockpiled in the construction staging area for replacement after grading is complete.
Basin Earthwork	Contractor excavates existing soil material to basin geometry; builds seepage cutoff wall under eastern side of basin by excavating a trench, adding a soil-bentonite mixture, compacting it, and then replacing and compacting the removed fill; excavated material or imported soil is used to construct eastern levee; seasonal stream is excavated at bottom of basin; excess soil material is loaded into trucks and hauled offsite for disposal at an approved disposal or beneficial reuse site. Excavation would be performed to allow continued access to the basin.	Not Applicable
Creek Earthwork	The creek earthwork would be related to construction of the diversion structure, installation of the basin outlet pipes and structure, and bank stabilization along the side-weir and outfall locations. Excavation, backfill, and compaction would be required to achieve required elevations and soil subgrade preparation for installation of rock rip rap for bank protection and pipe outfalls.	Contractor excavates, grades, and compacts the existing creek bank material to create stable soil subgrade for the bioengineered slope stabilization system. Slope transition structure installed at upstream end of site. Terraced flood plain graded. Bioengineered slope installed.
Storm Drain Piping	Contractor relocates/extends the existing storm drain pipe from Trestle Glen residential development into the northwest corner of the basin and installs a secondary pipe along the north and east boundaries of the basin into Fairfax Creek downstream of the proposed diversion and overflow structure; pipe trench is excavated, pipe placed and backfilled. Control gate and diversion structure is installed; it includes two openings penetrating the diversion structure across the creek: one is smaller and ungated and the other is a larger with a gate control. Erosion protection is placed in the creek at upstream and downstream faces of control structure; floodwall is constructed. Installation of rock rip rap for bank protection on the side-weir would also be constructed.	Two storm drains removed and reconstructed at upstream end of site.

TABLE 3-4 (CONTINUED)
PROJECT CONSTRUCTION ACTIVITIES AND SEQUENCING

Construction Activity	Description For Nursery Basin	Description for Building Removal and Site Restoration (in Downtown San Anselmo Section)
Access Roads/ Ramps	Contractor finish grades all access roads and ramps installs geotextile fabric and erosion protection on south basin top of bank and installs aggregate surfacing on roads/ramps.	Not Applicable
Floodwall	Contractor constructs the reinforced concrete floodwall along southern creek bank.	Contractor constructs the reinforced concrete floodwall along southern creek bank
Rock Slope Construction	Rock slope protection installed along southern bank of Fairfax Creek between the bridge and the diversion structure and within Fairfax Creek from the diversion structure to 10 feet downstream of the outlet pipe.	Contractor installs new ½-ton rock slope protection at storm drain outfalls.
Topsoil Placement and Planting	Once finished final grading, contractor places topsoil on finished grades and slopes and installs Oak-Bay plantings adjacent to the west levee outer toe and hydro-seeds basin bottom and banks and levee side slopes.	Contractor places topsoil and installs willow plantings on vegetated terrace and hydro-seeds banks.
Miscellaneous Work	Contractor installs permanent fencing <u>along part of the southern edge of the basin</u> , metal beam guardrail along Sir Francis Drake Boulevard and permanent signage. Control gate is tested and all appurtenances completed.	Contractor constructs new sidewalk, walkway and guardrails along San Anselmo Avenue. Deck and stairway in Creek Park are replaced.
Demobilization/ Cleanup	Contractor removes construction trailer and all equipment and supplies from site; final cleanup completed.	Contractor removes construction trailer and all equipment and supplies from site; Creek Park staging area restored to original grade and appearance; final cleanup completed.

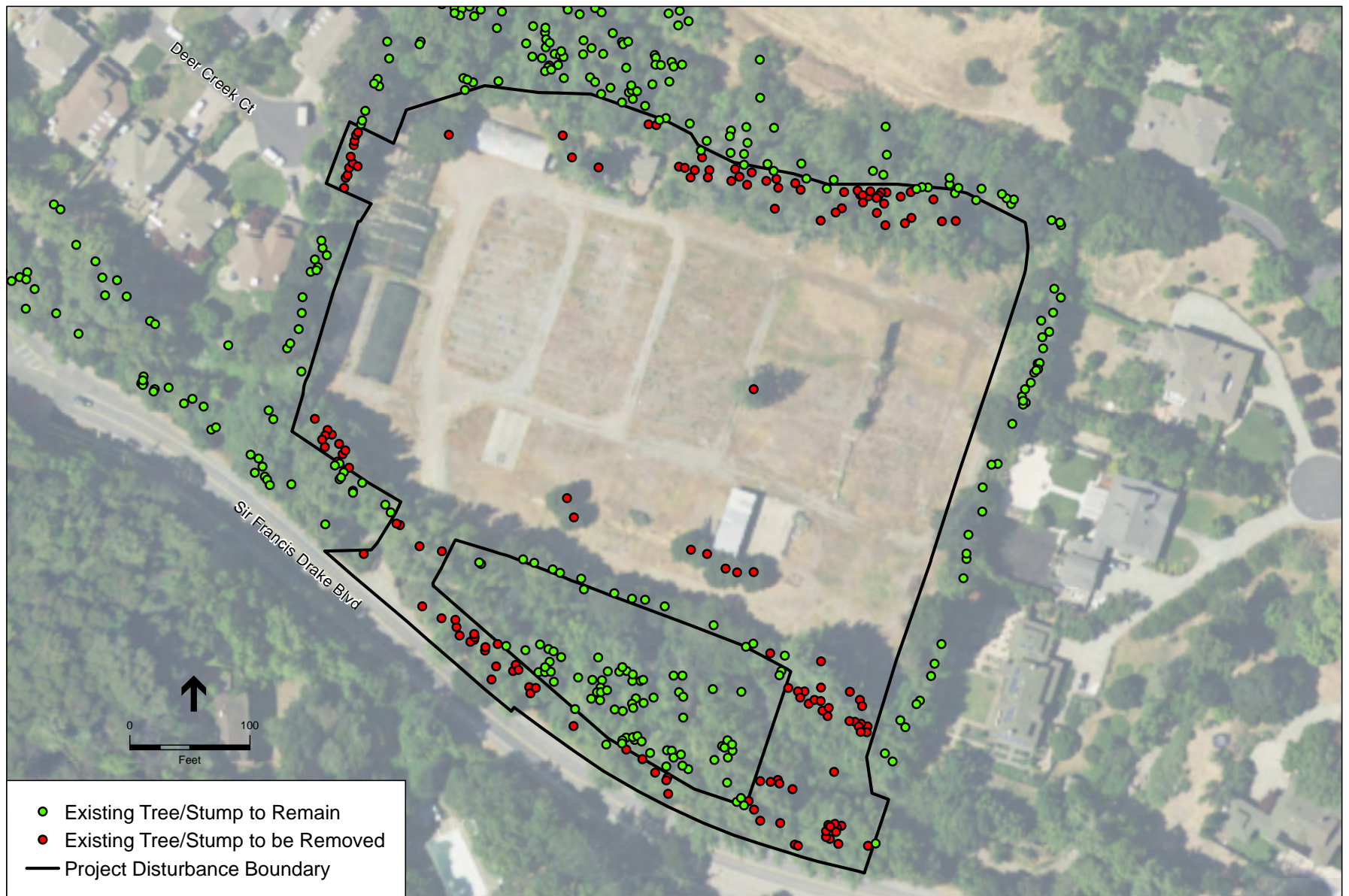
3.5.2.1 Nursery Basin Site

Upon initiation of construction activities at the Nursery Basin site, a field office would be placed onsite and construction area controls (signs, fencing) and erosion control measures would be installed on and around the site. Buildings, structures, and select vegetation would be removed from the site. **Figure 3-16** illustrates trees to be removed at the site. Existing utilities would be identified and safely removed. A water well on the site would be capped and abandoned. Fencing would also be removed. After topsoil is removed and stored, excavation and grading of the basin would proceed, including over-excavation at the side-weir and diversion structure. New structures would then be placed or constructed, including the seepage wall, catch basins, drainage piping, and the pre-cast openings of the diversion structure. Concrete would be poured for the side-weir footings and the floodwall; once these are complete, the remainders of the diversion structure and side-weir would be constructed and scour protection would be installed in multiple locations along Fairfax Creek. Final grading of the basin would follow. After topsoil is replaced in the basin, planting and hydroseeding of the basin would occur. A chain link fence would be installed around the perimeter along part of the southern edge of the basin, and all construction equipment and materials would be removed.

3.5.2.2 Downtown San Anselmo Site

Upon initiation of construction activities at the Nursery Basin site, a field office would be placed onsite and construction area controls (signs, fencing) and erosion control measures would be installed on and around the site (including delineation of the construction staging area at Creek Park). A temporary creek diversion system, consisting of culverts or other means of directing flows to one side of the creek at a time or out of the work area entirely, along with cofferdams and temporary pumps, would be installed. The building at 634-636 San Anselmo Avenue and the existing Creek Park deck would be demolished. Concrete structures would also be demolished. Select vegetation would be removed from the site, and topsoil stripped and moved to the construction staging area. Slope transition structures would be installed on either bank of the upstream end of the site. The flood plain terrace would be graded, and a floodwall installed along San Anselmo Avenue. After reconstructing two existing storm drains through the slope transition structures, the creek banks would be graded and bioengineered slope would be installed on both banks. Topsoil would be replaced on the finished slopes, and plantings and a guard rail would be installed and all construction materials would be removed. The Creek Park deck and stairway would be reconstructed and the construction staging area restored to its pre-construction condition.

As described in Chapter 1 and in Section 3.1, the Project would support and assist in achieving the goals of the Ross Valley Flood Protection and Watershed Program and will be analyzed as a cumulative project in the Program EIR as well as at a project-level in this Project EIR. Although not analyzed at a project-level in the Program EIR, this Project is one element of the overall Program. Accordingly, the San Anselmo Flood Risk Reduction Project's implementation has been carefully sequenced to avoid increasing flood risk anywhere in the Ross Valley. The Ross Valley Program is planned to be implemented in two phases. Phase One primarily consists of the



SOURCE: CH2M, 2018

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 3-16
Trees to be Removed at Former Sunnyside Nursery Site

FDS basins, bridge replacements and selected elements in the creeks to increase capacity.⁵ To minimize the potential to increase flooding downstream, the ideal sequencing of Phase One Program elements would be to begin with development of the FDS basins in each of the subwatersheds to reduce peak flows. Early implementation of the Nursery Basin would fit with that general plan.

Similarly, implementation of the downtown San Anselmo portion of the Project would increase local flow conveyance capacity and direct more water downstream. Depending on the timing of implementation of other portions of the Ross Valley Program and other cumulative projects, particularly if cumulative projects are completed prior to completion of FDS basins, earlier Project elements may need to include and implement mitigation measures to reduce or avoid the possibility of increasing downstream flooding. These measures could include baffles, inflatable dams, or temporary floodwalls placed in the downtown San Anselmo area to keep the channel in its current, constrained condition and thus retain flows until additional projects (which may include FDS basins and/or additional downstream creek improvements) could be implemented to reduce that downstream flood risk.

This same general strategy applies to both the Project's own actions and those of the proposed bridge removal/replacements projects, described above. Because the bridge replacements would also reduce bottlenecks in the system, similar mitigation measures to reduce the effects of the combined effect of the Project and the bridge replacements could be necessary. These effects are discussed in Chapter 5, *Growth-Inducement and Cumulative Effects*.

3.5.3 Project Operation and Maintenance

The operations and maintenance of the Project would be different for the two major elements, which are discussed in the following sections.

3.5.3.1 Nursery Basin

Detailed characteristics of the Nursery Basin are included above in Section 3.4. The general operation of the FDS basin would occur as follows.

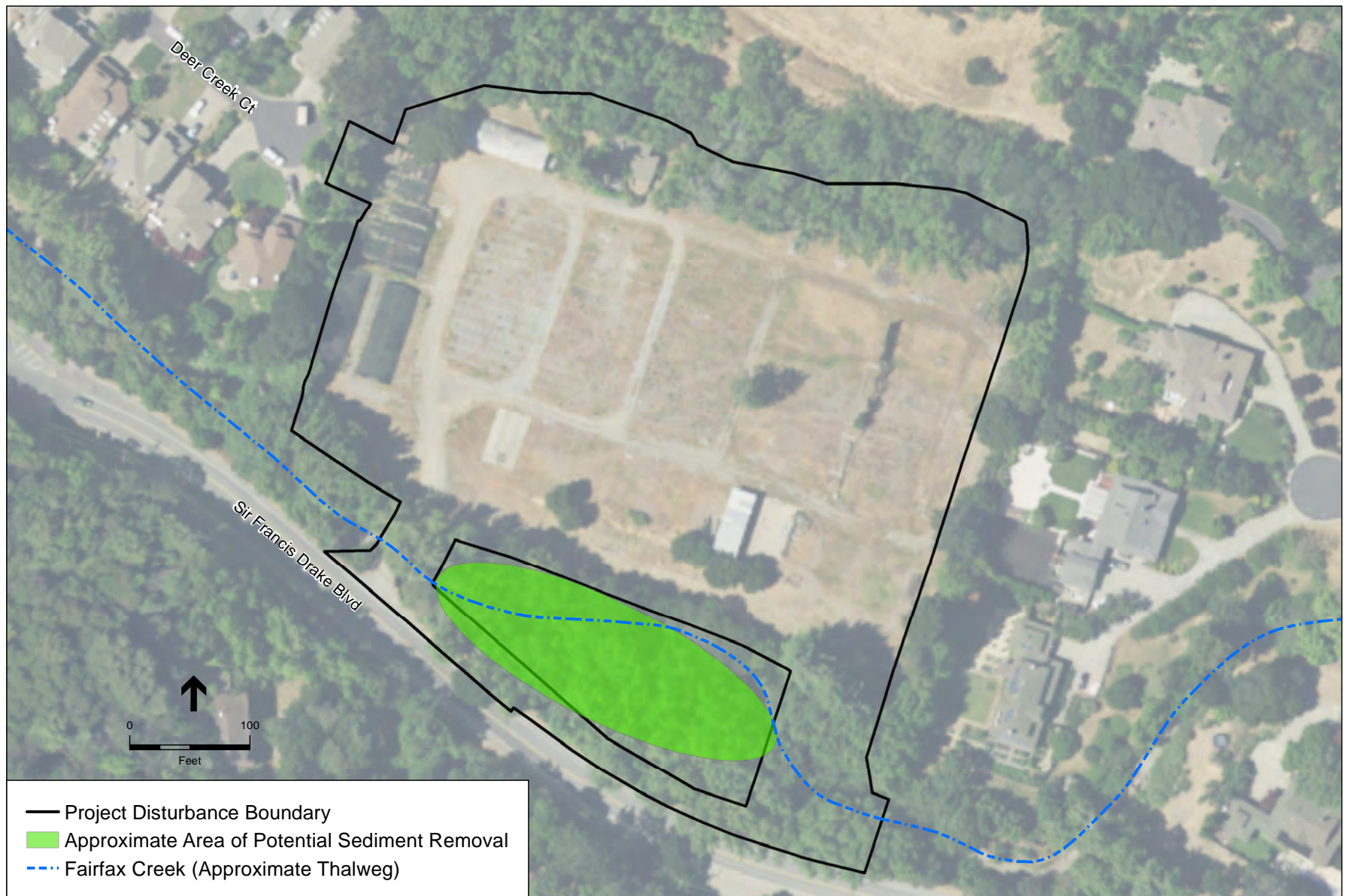
During most of the year, the only water entering the basin would be incidental rainfall into the basin itself, storm water flows from the adjacent Trestle Glen neighborhood (Deer Creek Court) that would flow through the storm drain system into the basin, and emergent groundwater. Together, these inflows would result in a seasonal wetland channel running diagonally through the basin. Water would passively drain from the basin to Fairfax Creek through the 36-inch ~~rise~~ outlet pipe, which would be open. The rest of the basin bottom and side slopes would be planted to establish native and non-invasive grassland. In Fairfax Creek, water would flow through an opening or openings installed in the creek.

⁵ Phase Two of the Ross Valley Watershed Flood Protection and Watershed Program would implement additional creek improvements, bridge replacements, FDS basins, low impact development, flood preparation and education, and creek maintenance between 2028 and 2050, after implementation of Phase One, to achieve a 25-100 year levels of flood protection.

During wet weather events, when incipient flooding is observed downstream at the Fairfax Creek stream gage and/or the Ross stream gage, the opening in Fairfax Creek would be partially closed and creek flows would rise and spill into the basin over the armored side-weir (elevation 228 feet NAVD88) along the south side of the basin. The basin inflow would cross the aggregate-surfaced side-weir and flow down the slope into the basin. Approximately 26 acre-feet of water would be stored in the basin (plus the additional 5.6 acre-feet of storage in Fairfax Creek behind the diversion structure and closed opening). Once high flows have passed, water collected in the Nursery Basin would exit the basin through the ~~gated~~ 36-inch ~~riser~~ outlet pipe. It would take about eight hours for that pipe to fully drain the basin. In the event that basin capacity is reached (i.e., when water reaches an elevation of 235 feet NAVD) and creek flows continue to increase, water from the combined basin and creek channel would flow over the designed low point in the diversion structure (the overflow) and downstream into Fairfax Creek. Both the opening in Fairfax Creek and the outflow pipe from the basin would be gated so that they could be operated by staff from the Flood Control District. The opening within the diversion structure would not be opened until after peak flows have passed and the basin itself has emptied.

When the basin is full, the storm drain pipe on Deer Creek Court would back up if it were not fully closed at its downstream end. To ensure adequate drainage during wet weather events when the FDS basin is in use, the project includes a flap gate at the end of the Deer Creek Court storm drain pipe that would close, preventing this backflow. It also includes a secondary Deer Creek Court storm drain pipe consisting of a 24-inch storm drain pipe from the inlet structure at Deer Creek Court around the northern and eastern edges of the basin to discharge into Fairfax Creek at a location downstream of the diversion structure.

Sediment may be removed at least annually from Fairfax Creek to maximize flood control effectiveness by maintaining the storage capacity in the channel, as shown in **Figure 3-17**. One routine, annual sediment removal would occur in the dry season to reduce effects on water quality and aquatic species. The amount of sediment removed in that routine maintenance action would vary depending on storm events and sediment moving into the creek each year. During especially wet years, a second sediment removal action may be necessary. This second removal could occur between large winter storms to restore detention capacity. The depth of sediment removal would be feathered in the upstream and downstream edges of the area to match the existing channel gradient. The removal would be done using a bulldozer in the creek and an excavator working from the maintenance access road, top of the diversion structure, or top of the side-weir, as needed to reach the deposited material. The bulldozer would access Fairfax Creek channel from the side-weir. Up to 1,600 cubic yards of sediment may be removed from Fairfax Creek per sediment removal event. Removed sediment would be hauled to a site within Marin County for beneficial reuse pursuant to the Flood Control District's Stream Maintenance Program or to Redwood Landfill. Approximately 290 cubic yards, requiring 33 truckloads, would be generated each day during sediment removal; about one week would be required to remove 1,600 cubic yards of sediment.



SOURCE: CH2M, 2018

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 3-17
 Sediment to be Removed from Fairfax Creek

The Flood Control District would also conduct other maintenance at the Nursery Basin. Ongoing work would include routine activities such as:

1. perimeter and access road maintenance, including grading and weed control, removing accumulated debris from the drainage ditch and storm drain along the northern side of the basin, monitoring bank erosion near the existing access bridge, and inspections of the roadway across the diversion structure
2. inspection of security fencing and repair of vandalism
3. the gated opening closure mechanism, closure and storm drain inlet controls, and electrical services
4. invasive vegetation removal on basin side slopes
5. monitoring of setback areas for invasive vegetation and subsequent vegetation removal
6. The Fairfax Creek riparian corridor along and upstream of the Nursery Basin would be inspected routinely for tree hazards or large woody debris that could block the openings, diversion structure overflow, or side-weir during operations. The Flood Control District would remove such hazards.

Periodically, the Flood Control District would also

1. Inspect the levees for settlement and burrowing animals
2. Inspect the diversion structure surface for settlement, stability, and maintenance of proper overflow dimensions
3. Inspect the side-weir surface and structure for settlement, stability, and maintenance of proper weir elevation and dimensions
4. Inspect the basin drain inlet to remove any debris and ensure proper working conditions of mechanisms for opening/closing the inlet
5. Inspect the basin side slopes for settlement

Prior to the rainy season, the opening or openings would be inspected to ensure closure mechanism is not vandalized or blocked by debris and to ensure it is not blocked by debris and maintains design suitable for fish passage and basin operations.

As needed, the District would address other security issues at the Basin as reported by neighboring landowners, police and fire departments, and Marin County Open Space District.

Other maintenance activities would only be needed after use of the basin. After the basin has been filled and emptied, the District would remove foreign materials and excessive woody debris, and sediments if deemed excessive or passing threshold for hydraulic performance or if in conflict with vegetation restoration. The District would also remove any foreign debris from the natural channel through the basin, and monitor the new channel through the basin for sedimentation and bank erosion.

Within Fairfax Creek, bank erosion protection and sediment deposition would be monitored annually, as well as after precipitation events.

3.5.3.2 Downtown San Anselmo Portion

The operation and maintenance of the downtown San Anselmo portion of the Project would be similar to what the Flood Control District, Marin County Department of Public Works, and the Town of San Anselmo already do for the stream channels and banks, buildings, bridges, culverts, and other aspects of their management responsibilities. Typical activities include management of invasive vegetation that may have adverse flooding impacts, catch floating debris, or increase erosion; removal of litter or debris; regular inspection and as-needed repair of flood walls, retaining walls, or other structures; and replanting, tree-trimming, or other vegetation management actions, as described in the Flood Control District's Stream Maintenance Program. The improved stream channel and banks proposed by the Project may actually require less of these types of actions than are currently necessary. The access openings in the new reinforced concrete floodwall would be constructed as floodgates, so these openings could be closed during periods of high-flow in the creek.

3.6 Next Steps in the Project Review Process

The project review and approval process is described in full in Chapter 1. For convenience, however, the next steps in the process are summarized in the bullet list below.

1. This Draft EIR will be circulated for a 45-day public review and comment period.
2. The Flood Control District Board will hold a public hearing during the public comment period on the Draft EIR at which time public agencies and members of the public may provide oral and written comment on the adequacy of the Draft EIR.
3. The Final EIR, consisting of all comments received on the Draft EIR together with responses to those comments and any changes to the EIR text will be circulated for ten days~~two weeks~~.
4. The Flood Control District Board will hold a public hearing, at which time it will consider whether the Final EIR complies with CEQA, and – if so – decide whether to certify the Final EIR.
5. Certification of the EIR neither requires nor ensures approval of the project. Following certification, the Board may decide to approve the project with mitigation measures specified in the Final EIR incorporated as conditions of approval; to disapprove the project; or to approve an alternative to the project that has been evaluated in the Final EIR.

3.7 Distinction between Review of Environmental Issues and Project Merits

Often during review of an EIR, the public raises issues that relate to the attributes or wisdom of the project or issues such as the project's community benefits or community consequences (referred to here as "Project merits"), rather than the scope or substance of the environmental

analyses in the EIR. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. However, a Lead Agency in its CEQA review is required only to address environmental issues that are raised. Certifying an EIR (i.e., finding that it was completed in compliance with CEQA) and taking action on the project are procedurally distinct processes and result in separate decisions made by the Lead Agency. Nonetheless, the EIR must be certified by the Lead Agency before the Lead Agency can take approval actions on the project.

3.8 References

CH2M Hill, Inc. (CH2M), Ross Valley Flow Reduction Study Report, November 2015. Available online at http://marinwatersheds.org/sites/default/files/2017-12/Ross_Valley_Flow_Reduction_Study_Report_110515_000.pdf. Accessed on February 28, 2018.

FEMA, *Flood Insurance Study Volume 1 of 3 Marin County, California, and Incorporated Areas*, Flood Insurance Study Number 06041CV001C, March 16, 2016.

Marin County, Marin County Local Hazard Mitigation Plan 2012 Update, 2012. Available online at http://www.marinsheriff.org/assets/downloads/LHMP_2012update_withResolution.pdf. Accessed on October 25, 2016.

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Stetson Engineers Inc. (Stetson), Capital Improvement Plan Study for Flood Damage Reduction and Creek Management for Flood Zone 9/Ross Valley, May 2011. Available at: <http://www.marinwatersheds.org/sites/default/files/2017-11/CIPStudyReportMay2011.pdf>. Accessed February 28, 2018.

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CHAPTER 4

Environmental Setting, Impacts, and Mitigation Measures

4.1 Introduction

4.1.1 Scope of Analysis

This chapter contains an analysis of the environmental topics identified by Marin County's scoping process for the EIR (Notice of Preparation and Scoping Meeting) described in Chapter 1, *Introduction*. Environmental topics addressed in this chapter include:

Chapter 4 Sections	
4.1 Introduction	4.8 Hazards and Hazardous Materials
4.2 Aesthetics and Visual Resources	4.9 Hydrology and Water Quality
4.3 Air Quality and Greenhouse Gas Emissions	4.10 Land Use and Planning
4.4 Energy, Mineral, Forest and Agricultural Resources	4.11 Noise
4.5 Biological Resources	4.12 Population and Housing
4.6 Cultural Resources	4.13 Public Services and Utilities
4.7 Geology, Seismicity, Soils, and Paleontological Resources	4.14 Parks and Recreation
	4.15 Transportation and Circulation

Sections 4.2 through 4.15 of this chapter describe existing environmental conditions as they relate to each specific topic, identify potential significant adverse environmental effects (significant impacts) from implementing the Project, and present mitigation measures to avoid or substantially lessen significant impacts to a less-than-significant level. Growth-inducing and cumulative impacts are discussed in Chapter 5, *Growth-Inducing and Cumulative Effects*. In Chapter 6, *Alternatives*, alternatives to the Project are described and analyzed, and their impacts compared to those of the Project.

Each section of Chapter 4 is organized as follows, based on the requirements of the California Environmental Quality Act (CEQA):

1. **Setting.** This subsection describes the existing physical environmental conditions in the Project area with respect to each resource topic, at an appropriate level of detail to allow the reader to understand the impact analysis.

2. **Regulatory Setting.** This subsection describes the relevant laws and regulations that apply to protecting the environmental resources within the project area, and the governmental agencies responsible for enforcing those laws and regulations. While the Project is not within the limits of the Town of Fairfax, it is adjacent to the Town; for this reason, Town of Fairfax policies and goals are presented for informational purposes.
3. **Impacts.** This subsection evaluates the potential for the Project to result in adverse effects on the physical environment described in the setting. Each impact analysis section lists significance criteria for evaluating environmental impacts, and the Approach to Analysis explains how the significance criteria are applied in evaluating the project impacts. The conclusion of each impact analysis is expressed in terms of the impact significance under CEQA, which is discussed further in Section 4.1.2 below. Compliance with applicable federal, state, and local laws and regulations by the project applicant is assumed in this analysis. Local, state, and federal agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with regulations is a condition of certification of the EIR and permit approvals.
4. **Mitigation Measures.** Each impact subsection identifies mitigation measures for all of the impacts considered significant, consistent with CEQA Guidelines Section 15126.4, which states that an environmental impact report (EIR) “shall describe feasible measures which could minimize significant adverse impacts...” In this EIR, mitigation measures are identified (where feasible) for all of the significant impacts and residual effects after mitigation are noted. If additional impacts could result from implementation of a mitigation measure, those impacts are identified, consistent with CEQA Guidelines Section 15126.4.¹

4.1.1.1 Scoping Comments

Scoping comments were received on the following topics: CEQA process; Project Description; aesthetics and visual resources; biological resources; cultural resources; geology, seismicity, soils, and paleontological resources; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services and utilities; growth-inducing and cumulative effects; and alternatives. The full details of comments submitted for these topics is available in Appendix A of this document. No comments related to air quality and greenhouse gas emissions; energy, mineral, forest, and agricultural resources; parks and recreation; or transportation and circulation were received.

4.1.2 Significance Criteria and Determinations

Standards used to evaluate the magnitude of impacts are listed in the “significance criteria” subsections for each topic analyzed. Under CEQA, a significant effect is defined as a substantial or potential substantial adverse change in any of the environment – namely, in any of the “physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” The State *CEQA Guidelines* direct that the significance of an impact be determined on the basis of facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The

¹ CEQA Guidelines Section 15126.4 states that “if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.”

significance criteria were derived from the following main sources: the State CEQA *Guidelines* Appendix G; Marin County Environmental Impact Review Guidelines Appendix N *Criteria for Significance* and Appendix K, Initial Study Checklist Form; environmental documents prepared recently on other projects in Marin County; and the professional standards and practices of the technical analysts who conducted the EIR evaluations.

Each section of Chapter 4 presents, before the discussion of impacts, the significance criteria used to analyze each resource topic. The categories used to designate impact significance are as follows:

1. **No Impact.** An impact issue is considered not applicable (no impact) if there is no potential for impacts or the environmental resource does not occur within the project area or the area of potential effect. For example, there would be no impacts related to grading if there is no grading proposed at a particular project site.
2. **Less than Significant.** This determination applies if there is a potential for some limited impact but not a substantial, adverse effect that qualifies under the significance criteria as a significant impact. No mitigation is required for impacts determined to be less than significant.
3. **Less than Significant with Mitigation.** This determination applies if there is a potential for the project to result in an adverse effect that would or could meet or exceed the significance criteria, but feasible mitigation is available that would reduce the impact to a less-than-significant level. An impact described as “potentially” significant indicates there is a potential for this impact to occur, but there is not enough project information or site-specific information to determine definitively whether or not it qualifies under the significance criteria as significant. Impacts identified as “potentially significant” are treated the same as significant impacts in this EIR.
4. **Significant and Unavoidable.** This determination applies if the project would result in an adverse effect that would or could meet or exceed the significance criteria and for which there is no feasible mitigation available.
5. **Significant and Unavoidable with Mitigation.** This determination applies if the project would result in an adverse effect that would or could meet or exceed the significance criteria and there is feasible mitigation available to lessen the severity of the impact, but either the residual effect after implementation of the measure would remain significant or there is some uncertainty as to the effectiveness of the mitigation measure.

4.1.3 Approach to Cumulative Impact Analysis

4.1.3.1 CEQA Provisions Regarding Cumulative Impacts

Cumulative impacts, as defined in Section 15355 of the State CEQA *Guidelines*, refer to two or more individual effects that, when taken together, are “considerable” or that compound or increase other environmental impacts. A cumulative impact from several projects is the change in the environment that would result from the incremental impact of each project when added to those of other closely related past, present, or probable future projects. State CEQA *Guidelines* Section 15130 of the provides the following pertinent guidance for cumulative impact analysis:

1. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable" (i.e., the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current, and probable future projects, including those outside the control of the agency, if necessary).
2. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.
3. A project's contribution is less than cumulatively considerable, and thus not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.
4. The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.
5. The focus of analysis should be on the cumulative impact to which the identified other projects contribute, rather than on attributes of the other projects that do not contribute to the cumulative impact.

CEQA Guidelines Section 15130(b)(1) provides two approaches to a cumulative impact analysis. The analysis can be based (a) on a list of past, present, and probable future projects producing related or cumulative impacts; or (b) a summary of projections contained in a general plan or related planning document. This cumulative impact analysis considers the effects of the project together with those of other past, present, or probable future projects proposed by the Marin County Flood Control and Water Conservation District or others. Please see Chapter 5, *Growth-Inducing and Cumulative Effects*, and Section 5.3, *Cumulative Impacts*, for a more detailed description of the approach to cumulative impact analysis found in this EIR.

4.2 Aesthetics and Visual Resources

This section describes the existing aesthetic conditions and visual resources in and around the San Anselmo Flood Risk Reduction Project (Project) area and evaluates the potential for Project implementation to result in significant impacts from losses or degradation of views¹ or scenic vistas,² degradation of scenic quality and character, or from adding new sources of light or glare. The analysis is based on available background information, plus policies and regulations, collected from each municipality with jurisdiction in the Project area. Potential impacts are discussed and evaluated, with appropriate mitigation measures identified where necessary.

4.2.1 Setting

4.2.1.1 Regional Setting

The Project area is in central Marin County, which is part of the larger San Francisco Bay Area (Bay Area). The San Francisco Bay region is in the Coast Ranges Physiographic Province, which spans 400 miles in California from Humboldt County to Santa Barbara County. The Bay Area is characterized as having a Mediterranean climate, with Coast Redwood forest and chaparral and woodlands. The Bay Area is highly developed; however, substantial tracts of open space contribute to the visual character of the region.

Marin County has a unique visual environment with a diversity of landscape that includes views of open space, ocean vistas and beaches, San Francisco Bay shoreline, hills and ridgelines, agricultural lands, stands of forests, and other natural features. The majority of this undeveloped land is found in the northern and western areas of the county. Nearly half of the county's land is protected by park or open space status. With the largest amount of public land in the nine-county Bay Area, Marin County's park and open space make up 30 percent of its land base, while water area and watershed lands comprise another 20 percent. In the southern portion of the county, long-distance views are often dominated by Mount Tamalpais.

Urban development in Marin County is essentially concentrated along the U.S. Highway 101 corridor in the eastern third of the county from Novato in the north, San Rafael in the central portion, and Sausalito/Marin City in the south, punctuated by the Golden Gate Bridge at its southern tip. Aside from the larger cities of San Rafael and Novato, urban development in Marin County is centered on well-established villages and towns in the many valleys on the northern and eastern flanks of Mount Tamalpais. While the visual character of the larger cities is influenced by commercial, industrial, and urban/suburban housing developments, these smaller villages have traditionally strived to maintain compact and "small town" feel that blends with the surrounding natural and agricultural landscapes. Most of these smaller municipalities have adopted land use controls which encourage residential development near town centers, which lends to walkable neighborhoods maintaining a pedestrian-scale community. As noted below, each Marin County municipality or unincorporated community in the Project area has a particular visual character maintained by its own building design requirements, or the County's

¹ A view is the field of vision at a particular location.

² A scenic vista is a broad visual sweep covering a large area, as designated in City, Town, or County General Plans.

requirements in unincorporated areas. County and local ordinances have also protected nearby ridgeline and scenic vistas.

4.2.1.2 Project Setting

The Project is in the Ross Valley Watershed, which is drained by Corte Madera Creek, San Anselmo Creek, Fairfax Creek, and their tributaries. Municipalities which comprise the Project area and have jurisdiction over aesthetics and visual resources are the Town of San Anselmo and the Town of Fairfax, as well as Marin County in unincorporated areas. The Project is not within the limits of the Town of Fairfax, but it is within Fairfax's General Plan's sphere of influence (SOI), as discussed below.

Visual Character

This discussion of the Project area's visual character is presented by municipality based on information presented in the General Plans of each, then concludes with a composite discussion of the Project area as a whole. This acknowledges that the visual character and quality of the Project area transcends municipal boundaries.

San Anselmo

The Town of San Anselmo is between the Towns of Ross and Fairfax and framed by generally continuous ridgelines to the north and south. The Southern Heights Ridge on the north and east physically and visually separates the Town from San Rafael, while the facing flank of Mount Tamalpais forms the visually-defining ridge on the south and west. Much of the land area on the Mount Tamalpais ridgeline is preserved in open space, including Bald Hill (proposed open space) and the Marin Municipal Water District (MMWD) watershed lands. These ridgelines are also protected as Marin County Open Space lands. In addition, there are identified ridgelines within the Town's boundaries, including Camino de Herrera, Indian Rock, Red Hill, and Sunny Hills. The Town's development pattern is similar to that of the other Ross Valley communities, with development on the valley floor and residential development extending up the adjacent hillsides. The Town's General Plan identifies Sir Francis Drake Boulevard, Red Hill Avenue, and Center Boulevard as scenic highways within the town limits (San Anselmo, 2016). The city's Creek Park is opposite San Anselmo Creek from, and in direct view of, the building at 634-636 San Anselmo Avenue, which would be removed as part of this Project. Additionally, the Pedestrian Bridge, which provides access to Creek Park from San Anselmo Avenue, is immediately downstream and in view of this building.

Fairfax

The Town of Fairfax's Map of Visual Resources, Figure OS-1 in its General Plan Open Space Element (2010), identifies a number of Visually Significant Areas, ridgelines and ridgeline corridors, scenic highways, views and viewpoints (referred to as "views and vista points" in the Town of Fairfax's General Plan), and gateways throughout the Town and within its General Plan SOI. These resources are identified along Fairfax and Bothin Creeks. Sir Francis Drake Boulevard, which run parallel to Fairfax Creek, and Bolinas Road, which runs along ridgelines in the southern part of the Town, are designated as scenic highways. These roads also have

designated visual gateways at the town limits and as Bolinas Road transitions from the downtown area up to its ridgeline route. The Map of Visual Resources places multiple visually significant areas in the downtown corridor and at the headwaters of Fairfax Creek. Finally, multiple designated views are identified at the intersection of Sir Francis Drake Boulevard and Bolinas Road, as well as at Sir Francis Drake Boulevard's west gateway on the Town's west border.

Unincorporated Marin County

The remainder of the Project area is unincorporated Marin County. These unincorporated areas either border San Anselmo and Fairfax or are pockets within and between them. The community of Sleepy Hollow is within the county's unincorporated area, as noted above. In general, these areas share the same visual and aesthetic characteristics as the neighboring municipalities. Situated between the City of Larkspur and Town of Ross, Kentfield shares a similar development pattern with commercial and residential on the valley floor, framed by County-designated ridgelines on the north and south. Although in unincorporated Marin County, the community of Sleepy Hollow is within the San Anselmo's sphere of influence and urban service area. It shares many similar large-scale visual characteristics as less densely developed areas of the Town and is framed by the same ridgelines.

Project Area Composite

At a visual macroscale, Mount Tamalpais and Bald Hill (also known as Mount Baldy) form the southern visual boundary of the Project area, while the Southern Heights Ridge separating San Anselmo and Fairfax from San Rafael forms the northern boundary. This physiography forms an enclosed viewshed. Middle- and background views are dominated by these ridgelines. While the northern ridgeline is moderately developed as single-family neighborhoods, the southern ridgeline on Mount Tamalpais and Bald Hill is predominantly undeveloped. This is largely due to the fact that these areas are designated "greenbelt lands," as referred to in the Marin Countywide Plan (Marin County, 2007). These greenbelt lands generally consist of Ridge and Upland Greenbelt, Stream Conservation Areas, and Inland-Rural Corridor Land, as defined in the Countywide Plan. These areas are also overlapped by Marin County Open Space District and MMWD watershed lands.

Throughout the watershed and irrespective of municipal boundaries, the urban development in the Ross Valley Watershed follows Sir Francis Drake Boulevard, which roughly parallels San Anselmo and Fairfax Creeks. Proceeding west on Sir Francis Drake Boulevard in San Anselmo, the visual character is that of tree-lined streets in both commercial and residential areas. The residential areas are primarily single-family dwellings. Views along Sir Francis Drake Boulevard, parallel streets (i.e., San Anselmo Avenue, Center Boulevard, Lansdale Avenue) and the creeks retain a small downtown visual character with tree-lined streets and single-family neighborhoods just beyond the commercial core. The views presented on **Figure 4.2-1** are representative views of downtown commercial and neighborhood residential areas typically found in San Anselmo. Foreground views from streets and viewpoints in the San Anselmo portion of the Project area are dominated by this commercial and residential development. In Fairfax, at the western extent of the Project area at the upper end of the valley, the visual character remains consistent with that of San Anselmo. However, this development thins out quickly, giving way to residential neighborhoods following tributary



View looking north on San Anselmo Avenue in downtown San Anselmo. This is a representative view of the downtown commercial area that a pedestrian or motorist would see.



View looking northeast on Mountain View Drive in San Anselmo. This is a representative view of the residential neighborhoods in the Project area.

SOURCE: ESA

San Anselmo Flood Risk Reduction Project/ 211432.07

Figure 4.2-1
Typical Neighborhood Views in the Ross Valley

streams and hillside topography. These areas are, in turn, adjacent to open space on the flank of Mount Tamalpais.

Trees lining the streets and creeks further limit views to approximately 0 to 0.5 mile beyond the foreground. Views from most publicly-accessible viewpoints are limited to the foreground for these reasons. Where there are breaks in the trees and lines of buildings, middle-ground views of the surrounding ridgelines may be available.

Scenic Vistas

The ridgelines encompassing the Project area provide ample opportunity for scenic vistas from publicly accessible viewpoints into the valley. Multiple single-family residential neighborhoods and recreational spaces (i.e., Loma Alta Open Space Preserve) are along the northern ridge along the extent of the valley. Views from these points include the development on the valley floor along Corte Madera, San Anselmo, and Fairfax Creeks and the undeveloped open spaces on the opposing southern ridge. As noted above, Mount Tamalpais dominates these views. There is considerably less development, fewer trails, and less publicly accessible open space along the southern ridge compared to the northern ridge. Views of the valley floor and northern ridgeline are likely available from select viewpoints on trails within the MMWD lands.

Though the development on the valley floor is visually obvious from the viewpoints on both ridges, the visual texture is softened by the relatively even cover of street trees and open space throughout the valley. This allows the visual appearance of the valley floor to gradually transition and blend in with the undeveloped ridgelines with no sharp or abrupt visual contrast. The appearance from viewpoints is visually consistent and lacking sharp visual contrast.

While some Ross Valley municipalities, such as Fairfax, have designated viewpoints (referred to in the Fairfax General Plan as “vista points”), many do not have views of the Project areas. The Town of Fairfax General Plan has designated specific views and vista points in its Open Space Element. These include viewpoints with views overlooking the valleys and directed toward opposing ridgelines from Sir Francis Drake Boulevard in the northern portion of the Town above Fairfax Creek near Lefty Gomez Field and then further west from an unmarked overlook at the Woodacre (unincorporated) town limit. There are also designated views and viewpoints along Bolinas Road in the southern portion of the Town. Finally, the General Plan has designated views and viewpoints from the valley floor and downtown area looking toward the ridgelines rising to the south.

The General Plans of San Anselmo and Marin County do not identify specific viewpoints, although they provide policies addressing the protection of scenic vistas. However, the Old Railroad Grade Fire Road Trail in the Loma Alta Open Space Preserve in unincorporated Marin County (adjacent to the Town of Fairfax) provides elevated views in the area of the former Sunnyside Nursery site.

There are no designated views or viewpoints in the portions of Ross Valley that are in the vicinity of the Project locations. Broad, publicly-accessible scenic vistas from the valley floor are limited due to intervening development and street trees, which draws the eye downward to street level or blocks middle- or background views.

Scenic Resources

See *Visual Character*, above, for a discussion of designated scenic resources within the Project area by municipality. The San Anselmo General Plan identifies Sir Francis Drake Boulevard, Red Hill Avenue, and Center Boulevard as scenic highways within the town limits (San Anselmo, 2016). The Fairfax General Plan also designates Sir Francis Drake Boulevard as a scenic highway within its sphere of influence (SOI). The Downtown San Anselmo site is adjacent to Creek Park (much of which is in the Project's construction boundary as it would be used for staging) and the pedestrian bridge in downtown San Anselmo. In summary, many of the scenic resources in the Project area are associated with designated open space, preserved lands, and parks, primarily associated with Mount Tamalpais. Many of these lands are also designated scenic by the Towns of San Anselmo and Fairfax. There are no officially designated State scenic highways in Marin County. Likewise, the County has not designated any roadways in the Project area as scenic.

4.2.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.2.2.1 Federal Regulations

There are no federal plans, policies, regulations, or laws related to aesthetics or visual resources applicable to the Project.

4.2.2.2 State Regulations

Title 24 Outdoor Lighting Standards – Nighttime Sky

The California legislature passed a bill in 2001 requiring the California Energy Commission to adopt energy efficiency standards for outdoor lighting for both the public and private sectors. The California Energy Commission adopted changes to Title 24, parts 1 and 6, Building Energy Efficiency Standards, which included changes to the requirements for outdoor lighting for residential and non-residential development. The standards regulate lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off, which could affect nighttime views (CEC, 2015).

4.2.2.3 Regional and Local Regulations

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan are relevant to the Project. Multiple Implementation Programs support each of these policies; they are described fully in the Plan.

Biological Resources

Goal BIO-4: Riparian Conservation.

Policy BIO-4.7: Protect Riparian Vegetation. Retain riparian vegetation for stabilization of streambanks and floodplains, moderating water temperatures, trapping and filtering sediments and other water pollutants, providing wildlife habitat, and aesthetic reasons.

Implementation Policy BIO-4.f, Identify Potential Impacts to Riparian Systems.

At the time of a development application, evaluate potential impacts on riparian vegetation and aquatic habitat, and incorporate measures to protect riparian systems into the project design and construction. Retain and minimize disturbance to woody and herbaceous riparian vegetation in Stream Conservation Areas and adjacent areas. (Tree growth may be cleared from the stream channel where removal is essential to protect against property damage or prevent safety hazards.)

Community Design

Goal DES-4: Protection of Scenic Resources. Minimize visual impacts of development and preserve vistas of important natural features.

Policy DES-4.1: Preserve Visual Quality. Protect scenic quality and views of the natural environment — including ridgelines and upland greenbelts, hillsides, water, and trees — from adverse impacts related to development.

Implementing Program DES-4.a, Protect Key Public Views. Work with community groups to identify, map, and protect important view corridors. Establish design standards for development in these areas as part of the design review requirements and individual community plans (see DES-3.b).

Implementing Program DES-4.b, Minimize Visual Impacts of Public Facilities. Amend applicable codes and procedures to require appropriate placement, design, setbacks, and native landscaping of public facilities (including soundwalls, medians, retaining walls, power lines, and water tanks) to reduce visual impacts, and encourage local agencies to adopt similar standards.

Implementing Program DES-4.c, Regulate Mass and Scale. Ensure that the mass and scale of new structures respect environmental site constraints and character of the surrounding neighborhood (see Program DES-3.b), are compatible with ridge protection policies (see Program DES- 4.e), and avoid tree-cutting (especially on wooded hillsides) and grading wherever possible. Community plans should consider regulations concerning home size.

Goal DES-5: Attractive and Functional Streets and Parking Areas. 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.

Policy DES-5.1: Achieve Streetscape Compatibility. Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

Town of San Anselmo Municipal Code

The Town of San Anselmo Municipal Code Chapter 18, *Excavation, Grading, and Erosion Control*, establishes controls on excavation, grading, and fill within the Town. The controls are established for reasons of safety, erosion control, sound soil engineering practice, aesthetics,

environmental protection, and water quality protection. Notwithstanding any of the provisions of this chapter, no permit to excavate, grade or fill shall be granted, where the application shows the excavation, grade or fill to involve the movement of more than one hundred (100) cubic yards of material, unless and until approval of the application is given by action of the Planning Commission of the Town. Prior to approval, the Planning Commission must make findings, including finding that the visual and scenic enjoyment of the area by others will not be unreasonably adversely affected by the project (Section 9-18.08).

Town of San Anselmo General Plan

The following objectives and policies relevant to aesthetics and visual resources are in the Town of San Anselmo's General Plan, portions of which have been updated since its initial implementation in 1988.

Open Space

Objective 7: To protect and preserve those areas of unique natural and visual resources within the planning area.

Policy 7.3: To preserve as open space land of aesthetic or recreational value.

Policy 7.4: Encourage open space corridors along easements and streams and provide public access where appropriate for bicycling, walking, and equestrians.

Objective 10: To regulate the design of residential units, roads, and public facilities in hillside and ridge areas in order to protect and maintain the existing visual image and character of these lands.

Conservation

Goal 7: Protect the scenic value of San Anselmo by reasonably regulating signs, bill-boards, unsightly uses, and the placement of utilities.

Town of Fairfax

The following goals, objectives, and policies relevant to aesthetics and visual resources are in the Town of Fairfax's 2010 General Plan. More detailed programs support each of these policies; they are described fully in the corresponding elements of the General Plan.

Land Use

Goal LU-1: Preserve scenic and natural resources.

Objective LU-1.1: Limit development to preserve and enhance the community's unique natural and scenic resources.

Policy LU-1.1.1: New development outside of the town's boundary shall be limited and of a scale that preserves the significant scenic and natural resources and rural character of the areas adjacent to the Town.

Open Space

Goal OS-3: Preserve the sensory qualities of open space for recreational, cultural, educational, and spiritual experiences.

Objective OS-3.2: Preserve the visual appeal of the natural landscape in the Fairfax Planning Area.

Policy OS-3.2.3: Prevent development from blocking or impairing existing views of Visually Significant Areas.

Conservation

Goal CON-5: Soils and vegetation.

Objective CON-5.2: Protect and maintain high quality vegetation communities within the Fairfax Planning Area.

Policy CON-5.2.1: Maintain and restore native vegetation where appropriate for habitat value, aesthetics, reference habitat, and riparian cover.

4.2.3 Impacts and Mitigation Measures

4.2.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact on aesthetics and visual resources if it would:

- 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) Substantially degrade the existing visual character or quality of the site and its surroundings (including abrupt transitions in land use or visual disharmony with adjacent land uses) or conflict with adopted aesthetic or visual policies or standards;
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.2.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in the visual character or other aesthetic impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section.

Impacts to visual quality are generally assessed by estimating the amount of visual change introduced by Project elements, the degree to which visual changes may be visible to surrounding viewer groups, and the general sensitivity of viewer groups to landscape alterations. Visual changes are usually measured by three factors, described below:

- **Visual contrast** would be significant if it is strong as a result of regraded landforms, alteration or elimination of ridgelines, and changes introduced by a Project element that result in landscape colors, textures, and scale of visual elements that are inconsistent with Project surroundings.
- **View obstruction** would be considered significant if the Project component would obstruct foreground (0 to 0.5 mile) or middle-ground (0.5 to 3 miles) views of the “viewed area” seen from sensitive viewpoints. The viewed area is the area of landscape within the field of vision. The sensitive viewpoint is that from which a view of notable visual quality may be observed.
- **Degraded visual quality** would be considered significant if a Project element severely alters or displaces specific scenic resources composed of striking landform features, aesthetic water bodies, mature stands of native/cultural trees (e.g., historic hedgerows), or historic structures.

Visual impacts would be considered to be significant overall if any one of the three measures of significance is identified. Considering the limited duration of construction (less than the 12-month rule of thumb that many entities use as a threshold for aesthetic impacts from construction) and the relative lack of visibility of the Nursery Basin site, the Flood Control District has determined that temporary visual or aesthetic changes due solely to active construction activities and/or equipment or materials are not considered significant.

Two field reconnaissance surveys of the Project sites were conducted to inform this analysis. The first occurred on June 19, 2017, and the second was made on January 20, 2018.

4.2.3.3 Impacts and Mitigation Measures

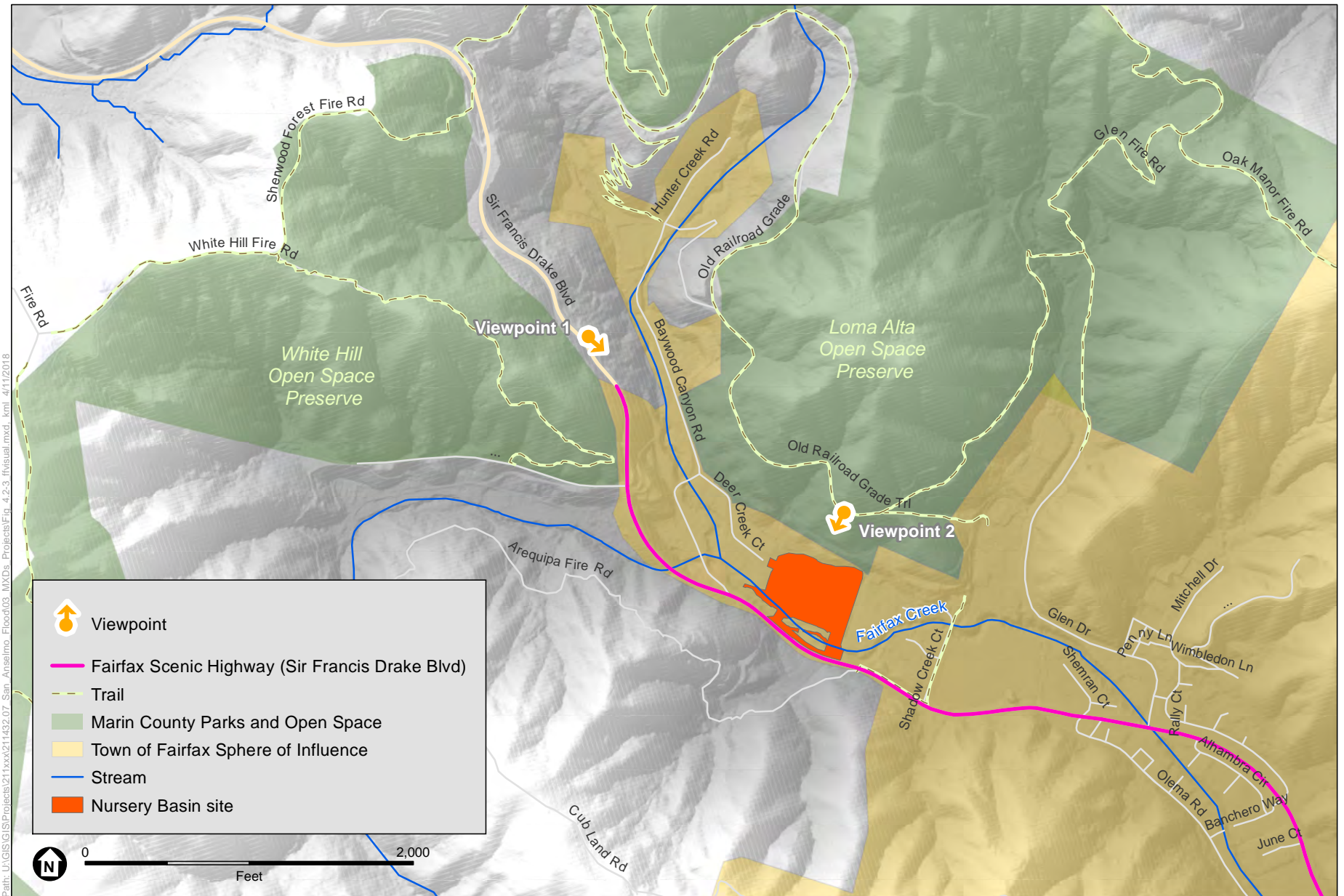
Impact 4.2-1: The Project would not have a substantial adverse effect on a publicly-accessible scenic vista. (*Less than Significant*)

Construction

Former Sunnyside Nursery Site Flood Diversion and Storage Basin

Construction of the Nursery Basin would involve vegetation removal, grading and other earthwork, concrete work, and related construction activities on most of the 7.7-acre site. The current visual character of the site includes remnants of the demolition of buildings on site and untended fields.

When seen from Viewpoints 1 and 2 (illustrated on **Figure 4.2-2**, below), the Nursery Basin site is not readily apparent. The Nursery Basin site, just west of the Town of Fairfax, is situated within the scenic vista from publicly-accessible viewpoints designated in the Town’s General Plan along Sir Francis Drake Boulevard. During a field reconnaissance conducted on June 19, 2017, mature intervening vegetation along the roadway was found to obscure views from these designated viewpoints. A viewer would need to step off and beyond the well-established paved surface and into untended vegetation to have a clear view of the site. The view from Viewpoint 1 on Sir Francis Drake Boulevard is shown on **Figure 4.2-3**.



SOURCE: Marin County; National Hydrography Dataset

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Figure 4.2-2
Map of Designated Scenic Roads and Viewpoints



Roadside vegetation obscuring distant views at Viewpoint 1 on Sir Francis Drake Boulevard west of the Town of Fairfax.



View from Viewpoint 1 looking southeast toward the former Sunnyside Nursery site. This view is obscured by the grassy vegetation and trees in the visual foreground; the site is not visible.

SOURCE: ESA

Figure 4.2-3
View Toward Former Sunnyside Nursery Site

When seen from Viewpoint 2 (illustrated on Figure 4.2-2), the Nursery Basin site would be within the middle-ground viewshed (0.5 to 3 miles) from the Old Railroad Grade Trail (Old White Hill Grade on some maps) to the north in the Loma Alta Open Space Preserve. As shown on **Figure 4.2-4**, the views of the site from this trail are very limited; to see it, one would have to leave the trail and step up onto the small rise at the southern edge of the trail. From this viewpoint, the site's surroundings would remain primarily wooded, although construction equipment could be barely visible from some viewpoints (primarily from off-trail locations). When considered with the broader scenic vista, the wooded surroundings would remain visually dominant. While the construction activity would be visible, the wooded surroundings would soften the appearance such that these activities would not detract from the scenic character or quality of the area. Also as noted above, construction activities would be temporary (several months at each site). Considering the current visual condition of this site, the presence of temporary construction activities would not change the site's visual character or quality in a substantial way. As noted above, temporary visual or aesthetic changes due solely to active construction activities and/or equipment or materials are not considered significant. Based on intervening vegetation and topographic features at viewpoints on Sir Francis Drake Boulevard and the limited area within the view from Loma Alta Open Space District, the impact of Nursery Basin construction on publicly-accessible scenic vistas would be less than significant.

Downtown San Anselmo

The creek capacity improvements and building removal in downtown San Anselmo would be limited in physical scale, when observed within the context of the broader, distant scenic vistas. When viewed from distant publicly-accessible viewpoints, the construction work involved with these activities would not be visually obvious. When seen from a distance, this site would be concealed in the visual blend of development and street trees. As noted above, temporary visual or aesthetic changes due solely to active construction activities and/or equipment or materials are not considered significant. The construction of these elements would have a less-than-significant impact on publicly-accessible scenic vistas.

Operation

All Project Elements

Upon completion of construction, disturbed areas at both Project sites would be cleaned, stabilized, and landscaped in accordance with the design plans. This may include replanting trees or other vegetation removed during construction, in accordance with applicable local heritage tree ordinances, the California Department of Fish and Wildlife's Lake and Streambed Alteration Agreement (as it regards riparian vegetation, including trees), or other permits issued for the Project. The Nursery Basin site would be revegetated with native and non-invasive grasses and oak bay woodland plantings. It is expected that when viewed from trails in the Loma Alta Open Space Preserve the Project would not be visually apparent, due to intervening vegetation or as a result of visually blending in with the wooded surroundings, as noted in the construction analysis above. Therefore, the change in visual context would not be expected to have a negative effect on the visual quality or character of the publicly-accessible scenic vista.



This photo shows the largest portion of the former Sunnyside Nursery site that is visible from Viewpoint 2 on the Old Railroad Grade Trail (yellow arrow); however, it was taken from a small rise that is off-trail, as shown in the photo below.



To obtain the view shown in the top photo, one must step off the trail onto the edge of the steep slope shown in the bottom photo.

SOURCE: ESA

Figure 4.2-4
View Toward Former Sunnyside Nursery Site
from Old Railroad Grade Trail

After removal of the building at 634-636 San Anselmo Avenue and restoration of the creek in downtown San Anselmo, Project “operation” activities would be limited to creek maintenance activities, such as debris removal, replanting, and weed control. These activities would be temporary, limited in physical scale, concealed in the visual blend of development and street trees, and would not be visually obvious from distant viewpoints. The rebuilt sidewalk and pedestrian guardrail would be slight improvements to the current visual condition of the building’s surroundings.

From distant viewpoints, the restored, post-construction appearance would be similar to its present condition. No change in the visual texture of the valley floor or opposing ridgelines would be evident. Any change in the visual quality and character of the Ross Valley, when viewed from publicly-accessible viewpoints, would not be noticeable. Therefore, the lasting visual impact of the completed Project elements on publicly-accessible scenic vistas would be less than significant.

Mitigation: None required.

Impact 4.2-2: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view of a designated scenic public highway. (*Less than Significant*)

As noted in the Setting discussion, the Towns of Fairfax and San Anselmo have designated scenic roadways and corridors within the Project area. These include:

- Fairfax: Sir Francis Drake Boulevard, Bolinas Road
- San Anselmo: Sir Francis Drake Boulevard, Red Hill Avenue, Center Boulevard

There are no Caltrans-designated scenic highways in Marin County. Likewise, the County has not designated any roadways in the Project area as scenic.

Construction

All Project Elements

The former Sunnyside Nursery site is situated in unincorporated Marin County, but within the Fairfax General Plan SOI limits along Sir Francis Drake Boulevard. Sir Francis Drake Boulevard is designated by the Town as a scenic roadway in this area. While access to this site directly from Sir Francis Drake Boulevard is physically possible, the site is not open to the public, and the access road from Sir Francis Drake Boulevard is gated. There are no publicly-accessible viewpoints such as turn outs or parking areas along this stretch of roadway which would offer sustained views of the site.

Although the design plans for the proposed Nursery Basin are intended to minimize tree removal, numerous trees and understory vegetation would necessarily be removed from the Project footprint (shown on Figure 3-9 in Chapter 3) adjacent to Sir Francis Drake Boulevard between

the roadway and interior of the site. The vegetation removal would be needed to accommodate the diversion structure, side-weir, bank protection features, and the proposed floodwall. Removal of the trees would create limited views of some Project elements, including the diversion structure and the top of the floodwall at elevation 238 feet NAVD88. At the eastern end of the Project site, the flood wall would extend 2 to 3 feet above the top of the Sir Francis Drake roadway, which ranges from elevation 235 feet NAVD88 at the eastern end to elevation 240 feet at the western end. The tree removal would also allow a limited view into the interior of the site itself. However, the rest of the Project site would continue to be screened by the trees that would be preserved between the proposed floodwall and the basin (i.e., riparian canopy associated with the creek). Views from vehicles traveling on the roadway would be fleeting and momentary. Considering the above factors, the visual impact of this element would be less than significant.

The Downtown San Anselmo element is in close proximity to the three Town-designated scenic roadways identified above. Vegetation removal and building demolition would be visible from an approximately 850-foot section of Center Boulevard from its intersection with San Anselmo and Sycamore avenues to the west and with Sir Francis Drake Boulevard and Red Hill Road on the east. These activities would be most evident to passing viewers in vehicles waiting at traffic signals. Otherwise, the view of the site from vehicles would be fleeting and momentary. As noted above, temporary visual or aesthetic changes due solely to active construction activities and/or equipment or materials are not considered significant. The visual impact of this Project element from a designated scenic highway would be less than significant.

Operation

All Project Elements

Upon completion of construction, disturbed areas at all Project sites would be cleaned, stabilized, and landscaped per design plans. This may include replanting trees or other vegetation removed during construction, as required by the various environmental permits.

As noted above, most of the Nursery Basin site is not clearly visible from Sir Francis Drake Boulevard, a designated scenic highway. The site's interior would be revegetated with native grasses and its perimeter with oak bay woodland plantings. It is expected that the condition viewed from this designated scenic highway would not be readily visually apparent due to intervening vegetation across much of the southern boundary and the visual consistency of the replanting and landscaping on the site. The limited and fleeting views of the diversion structure, flood wall, and interior of the site would be as described above. Therefore, the change in visual context would not be expected to have a negative effect on the visual quality or character of the view from Sir Francis Drake Boulevard.

For the Downtown San Anselmo element, the Project in its "operational" phase would include restored channel bottoms, native plantings on the terraced floodplain, and installation of retaining walls and sidewalk areas at top-of-bank. While passing motorists on Center Boulevard would typically not have the opportunity to notice the improvements, bicyclists and pedestrians would have the opportunity for longer viewing experiences along this stretch of designated scenic highway. With maturation of the restoration plantings along the creek and in Creek Park, the

visual character of the site, as viewed from Center Boulevard and other roads, would return to the current park-like setting. This would not be a significant adverse alteration of the area's visual character or quality viewed from the designated scenic highway. The permanent change in visual character and quality attributable to the creek capacity improvement elements would therefore be less than significant.

Mitigation: None required.

Impact 4.2-3: The Project would neither substantially degrade the existing visual character or quality of the Project sites and their surroundings, including alteration of the built environment or land use patterns, nor conflict with adopted aesthetic or visual policies or standards. (*Less than Significant*)

The visual character of the valley floor is that of well-established small town centers surrounded primarily by single-family residential neighborhoods. This primarily residential development pattern is also found on the lower slopes of the hillsides and ridges that visually define the Project area. Most of this development is visually softened by the proliferation of street trees throughout San Anselmo and Fairfax. Additionally, Fairfax and San Anselmo Creeks are primarily lined with mature riparian vegetation, although various types of bank revetment or flood walls may be seen. San Anselmo Creek flowing through downtown San Anselmo is also bounded or bridged by commercial buildings. As these visual elements are well-established, the visual quality of the areas surrounding the Project components is considered moderate. A review of the adopted policies or standards in Section 4.2.2, *Regulatory Setting* indicates that the Project would not conflict with any of those policies or standards.

Construction

Nursery Basin

The existing visual elements at the former Sunnyside Nursery site include one residential building, remnants of the former nursery operational buildings, and untended fields. In their unused state, they give the site a low visual quality. However, the site is visually screened from immediately surrounding areas by intervening vegetation or topography. During construction, the diversion structure and floodwall would be partially and briefly visible from passing vehicles on Sir Francis Drake Boulevard. As noted above, the visual and aesthetic aspects of construction actions are considered less than significant. While the construction of the floodwall and side-weir would remove some of the intervening vegetation, the remaining vegetation would continue to screen views of the site during the wet season. Given the preservation of much of the intervening vegetation on the roadway side of Fairfax Creek, Project construction would not substantially alter the visual character and moderate visual quality of the area surrounding the Nursery Basin; therefore, the impact would be less than significant.

Downtown San Anselmo

The Downtown San Anselmo element would remove the building at 634-636 San Anselmo Avenue, remove vegetation and debris from the creek channel, and regrade and stabilize the

channel. All of this work would be visually evident from adjacent or nearby streets, trails, neighborhoods, and commercial establishments (e.g., restaurants). As noted above, these existing visual elements provide a well-established visual character and give the area a moderate visual quality. The presence of equipment, workers, debris, etc., would provide a temporarily sharp contrast to the visual environment in the downtown area.

However, as noted above in the Approach to Analysis discussion, the temporary construction activities would not be considered significant visual or aesthetic impacts. The demolition of the structure at 634-636 San Anselmo Avenue and restoration of that site would be completed within a short time span (i.e., four to six months) to minimize the disruption to the surrounding downtown area to the greatest extent possible. Given the temporary nature of these construction activities, it is anticipated that they would not substantially change the existing visual character of the surrounding area. Although there would be a temporary visual change, the visual quality would remain moderate and the impact, therefore, would be less than significant.

Operation

Former Sunnyside Nursery Site Flood Diversion and Storage Basin

After construction of the Nursery Basin is completed, exposed areas would be revegetated with native ground cover and plantings tolerant of periodic inundation and would blend in with the surrounding existing riparian and forest vegetation. This site would still be screened from publicly-accessible viewpoints by existing intervening mature vegetation and topography as well as the revegetation efforts. Therefore, there would be no change in the visual aspects of the land use patterns. The change in visual context of the Nursery Basin site would not have a negative effect on the visual quality or character of the site. Based on the Project's revegetation and restoration commitments, the potential permanent visual impact attributable to the Nursery Basin would be less than significant.

Downtown San Anselmo

Upon completion of construction, disturbed areas at Project sites would be stabilized, replanted, or restored. For the Downtown San Anselmo element, this would include restoration of the channel, native plantings on the terraced floodplain, installation of retaining walls, and patio/sidewalk areas at top-of-bank. While passing motorists would typically not have the opportunity to notice the improvements from area roadways, bicyclists and pedestrians would have the opportunity for longer viewing experiences. The site would be restored in a manner that would not detract from the visual character of downtown San Anselmo. The appearance and visual lines remaining in the area's streetscape, as well as the land use patterns in the area, would not be substantially altered. In fact, this site would provide a visual linkage across San Anselmo Creek to Creek Park. This would not be considered a significant adverse alteration of the area's visual character or quality. The permanent change in visual character and quality attributable to the creek capacity improvement elements would be considered less than significant.

Mitigation: None required.

Impact 4.2-4: The Project would not create a new source of substantial light, glare, or shadow which would adversely affect day or nighttime views in the area. (*Less than Significant*)

Daytime sources of glare in the Project area include reflections from light-colored surfaces, windows, and vehicles. The primary sources of night-time (i.e., after dusk, before dawn) light and glare in the vicinity including street and parking lot lighting, vehicular headlights, commercial signage, security lighting, and external lighting in residential areas. Shading in the Project area is primarily provided by vegetation (e.g., street trees, riparian vegetation) and buildings. Potential receptors sensitive to daytime glare, night-time light trespass and glare, and shadow in the Project area include residences, parks, and other places of public congregation.

Construction

All Project Elements

The primary source of light or glare during construction associated with Project elements would be from vehicles and equipment (e.g., windshields, welding). The materials anticipated to be used during construction, such as cement or rip-rap, would not be expected to produce reflective glare. Glare from construction equipment and vehicles would be intermittent and fleeting depending on sky conditions and equipment use and movement. Because these activities would primarily occur during the typical work day (i.e., 8:00 a.m. to 6:00 p.m., Monday through Friday), the number of receptors affected is anticipated to be low.

No night-time work is anticipated, thus, no receptors would be exposed to nighttime lighting. The Project would comply with Marin County Code, or Fairfax or San Anselmo code requirements, for construction hours (see Section 4.11 *Noise* for the specific codes). Though special situations may arise where construction might extend into the evening, the proper permits would be obtained for the construction. Additionally, although construction of these components would occur concurrently, they are distant enough from one another that they would not have an additive lighting effect if nighttime construction were to occur. Any work would be short-term and thus any impact associated with the work would be less than significant.

By complying with County or Town codes related to construction hours, the Project would not adversely affect day or nighttime views in the area. Therefore, this impact would be less than significant.

Operation

All Project Elements

Given the nature of the Project elements, they would not be expected to inherently generate light, glare, or shadow beyond the extent that currently exists in the Project area. The Downtown San Anselmo element involves the clearing of flow impediments within the channel of San Anselmo Creek (including building demolition) and the restoration or stabilization of these areas with natural and visually inert materials. Current Project design does not include the replacement or installation of street lighting. If street lighting is included as a future part of the Project, the lighting fixtures would be required to comply with Title 24 lighting standards, as explained in

Section 4.2.2, *Regulatory Setting* of this analysis. Therefore, it is expected that any lighting fixtures would include shades or other shielding devices in accordance with Title 24 to direct light downward to street level and not into the night sky. There are no elements associated with the Downtown San Anselmo site that would produce light trespass, reflective glare, or shadow in areas that would affect human habitation beyond that which currently exists.

Likewise, the Nursery Basin site would be revegetated and reserved solely for flood control use (i.e., with no human habitation or other use). Therefore, it would not be equipped with lighting.

None of the Project elements are anticipated to include structures that would cast shadow in areas where none currently exists. Rather, the structure removal associated with the Downtown San Anselmo element would increase the amount of natural light in the immediate area.

Based on this analysis, operation of the Project elements would create a less-than-significant impact due to light, glare, or shadow.

Mitigation: None required.

4.2.4 References – Aesthetics and Visual Resources

California Energy Commission, *2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, Title 24, Part 6, and Associated Administrative Regulations in Part 1, June 2015.

Fairfax, Town of, *Town of Fairfax General Plan, Open Space Element*, Figure OS-1, December 1, 2010. Available online http://www.town-of-fairfax.org/html/general_plan.html. Accessed on June 17, 2017.

Marin, County of, *Marin Countywide Plan*, Adopted November 6, 2007. Available online <http://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan/plans-and-documents>. Accessed on June 17, 2017.

San Anselmo, Town of, *Town of San Anselmo General Plan*, last amended November 3, 2015. Available online <http://www.townofsananselmo.org/index.aspx?NID=79>. Accessed on June 17, 2017.

4.3 Air Quality and Greenhouse Gas Emissions

This section describes and evaluates issues related to air quality and greenhouse gas (GHG) emissions in the context of the proposed San Anselmo Flood Risk Reduction Project (Project). The section provides an introduction to criteria air pollutants, toxic air contaminants (TACs), and GHG emissions; the physical and regulatory setting, including pertinent regulations at the federal, state, and local levels; the criteria used for determining the significance of environmental impacts; and potential impacts and appropriate mitigation measures associated with the construction, implementation, and operation of the Project.

4.3.1 Background

4.3.1.1 Air Quality

Criteria Air Pollutants

The U.S. Environmental Protection Agency (USEPA) has identified criteria air pollutants that are a threat to public health and welfare. These pollutants are called “criteria” air pollutants because standards have been established for each of them to meet specific public health and welfare criteria (see Section 4.3.3, Regulatory Setting, below). Below are descriptions of criteria pollutants identified by USEPA.

Ozone

Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and nitrogen oxides (NO_x). ROG and NO_x are known as precursor compounds for ozone. Significant ozone production generally requires ozone precursors to be present in a stable atmosphere with strong sunlight for approximately 3 hours.

Ozone is a regional air pollutant because it is not emitted directly by sources, but is formed downwind of sources of ROG and NO_x under the influence of wind and sunlight. Ozone concentrations tend to be higher in the late spring, summer, and fall, when the long sunny days combine with regional subsidence inversions to create conditions conducive to the formation and accumulation of secondary photochemical compounds like ozone.

Nitrogen Dioxide

Nitrogen dioxide (NO₂) is an air quality pollutant of concern because it acts as a respiratory irritant. NO₂ is a major component of the group of gaseous nitrogen compounds commonly referred to as NO_x. A precursor to ozone formation, NO_x is produced by fuel combustion in motor vehicles, industrial stationary sources (such as refineries, power plants, and chemical manufacturing facilities), ships, aircraft, and rail transit. Typically, NO_x emitted from fuel combustion is in the form of nitric oxide (NO) and NO₂, with the vast majority (95 percent) of the

NO_x emissions being comprised of NO. NO is converted to NO₂ in the atmosphere when it reacts with ozone or undergoes photochemical reactions.

Carbon Monoxide

Carbon monoxide (CO) is a non-reactive pollutant that is a product of incomplete combustion and is mostly associated with motor vehicle traffic. High CO concentrations develop primarily during winter when periods of light winds combine with the formation of ground-level temperature inversions (typically from the evening through early morning). These conditions result in reduced dispersion of vehicle emissions. Motor vehicles also exhibit increased CO emission rates at low air temperatures. When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease, or anemia.

Particulate Matter

Particulate matter less than 10 microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}) represent fractions of particulate matter that can be inhaled into air passages and the lungs and can cause adverse health effects. Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health. According to a study prepared by the California Air Resources Board (CARB), exposure to ambient PM_{2.5}, particularly diesel particulate matter (DPM), can be associated with approximately 14,000 to 24,000 premature annual deaths statewide (CARB, 2009a). Particulate matter also can damage materials and reduce visibility.

Sulfur Dioxide

Sulfur dioxide (SO₂) is a colorless, acidic gas with a strong odor. It is produced by the combustion of sulfur-containing fuels such as oil, coal, and diesel. SO₂ has the potential to damage materials and can cause health effects at high concentrations. It can irritate lung tissue and increase the risk of acute and chronic respiratory disease (BAAQMD, 2017a). Pollutant trends suggest that the San Francisco Bay Area Air Basin (SFBAAB) currently meets and will continue to meet the federal and State standards for SO₂ for the foreseeable future.

In 2010, the USEPA implemented a new 1-hour SO₂ standard, which is presented in Table 4.3-4. The USEPA initially designated the SFBAAB as an attainment area for SO₂. Similar to the new Federal standard for NO₂, the USEPA established requirements for a new monitoring network to measure SO₂ concentrations beginning in January 2013 (USEPA, 2010). No additional SO₂ monitors are required for the Bay Area because the SFBAAB has never been designated as non-attainment for SO₂ and no State implementation plans or maintenance plans have been prepared for SO₂ (BAAQMD, 2014).

Lead

Leaded gasoline (phased out in the United States beginning in 1973), paint (on older houses, cars), smelters (metal refineries), and manufacture of lead storage batteries have been the primary sources of lead released into the atmosphere. Lead has a range of adverse neurotoxic health effects, which put children at special risk. Some lead-containing chemicals cause cancer in animals. Lead levels in the air have decreased substantially since leaded gasoline was eliminated.

Ambient lead concentrations are only monitored on an as-warranted, site-specific basis in California. On October 15, 2008, the USEPA strengthened the national ambient air quality standard for lead by lowering it from 1.50 $\mu\text{g}/\text{m}^3$ to 0.15 $\mu\text{g}/\text{m}^3$ on a rolling 3-month average. The USEPA revised the monitoring requirements for lead in December 2010.¹ These requirements focus on airports and large urban areas resulting in an increase in 76 monitors nationally. Lead monitoring stations in the Bay Area are located at Palo Alto Airport, Reid-Hillview Airport (San Jose), and San Carlos Airport. Non-airport locations for lead monitoring are in Redwood City and San Jose.

4.3.1.2 Toxic Air Contaminants

TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer-causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes approximately 200 compounds, including DPM emissions from diesel-fueled engines, which was identified as a TAC by CARB in 1998 (CARB, 2011).

4.3.1.3 Greenhouse Gases and Climate Change

Global climate change refers to changes in average climatic conditions on Earth as a whole, including changes in temperature, wind patterns, precipitation and storms. Historical records indicate that global climate changes have occurred in the past due to natural phenomena; however, current data increasingly indicate that the current global conditions differ from past climate changes in rate and magnitude. Global climate change attributable to anthropogenic (human) GHG emissions is currently one of the most important and widely debated scientific, economic and political issues in the United States and the world. The extent to which increased concentrations of GHGs have caused or will cause climate change and the appropriate actions to limit and/or respond to climate change are the subject of significant and rapidly evolving regulatory efforts at the federal and state levels of government.

The scientific community's understanding of the fundamental processes responsible for global climate change has improved over the past decade, and its predictive capabilities are advancing. However, there remain significant scientific uncertainties in, for example, predictions of local effects of climate change, occurrence, frequency, and magnitude of extreme weather events,

¹ USEPA *Fact Sheet Revisions to Lead Ambient Air Quality Monitoring Requirements*. Available online at http://www3.epa.gov/airquality/lead/pdfs/Leadmonitoring_FS.pdf. Accessed January 19, 2016.

effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of the Earth's climate system and inability to accurately model it, the uncertainty surrounding climate change may never be completely eliminated. Nonetheless, the IPCC's *Fifth Assessment Report, Summary for Policy Makers* states that, "it is *extremely likely* that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in greenhouse gas concentrations and other anthropogenic forces together" (IPCC 2014). A report from the National Academy of Sciences concluded that 97 to 98 percent of the climate researchers most actively publishing in the field support the tenets of the IPCC in that climate change is very likely caused by human (i.e., anthropogenic) activity (Anderegg et. al 2010).

Some of the effects of global warming in California are likely to include loss of snowpack, reduced water availability, declining crop yields, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, more drought years, increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems, and increased pest infestation (CARB, 2009b; USEPA 2016; California Environmental Protection Agency 2006). Globally, climate change has the potential to adversely affect numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. According to the International Panel on Climate Change (IPCC), the projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects (IPCC, 2013):

1. Warmer and/or fewer cold days and nights over most land areas;
2. Warmer and/or more frequent hot days and nights over most land areas;
3. Warm spells/heat waves. Frequency and/or duration increases over most land areas;
4. Heavy precipitation events. Increase in the frequency, intensity, and/or amount of heavy precipitation;
5. Increase in intensity and/or duration of drought;
6. Increase in intense tropical cyclone activity; and
7. Increased incidence and/or magnitude of extreme high sea level.

Also, there are many secondary effects projected to result from climate change, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

GHG emissions include primarily carbon dioxide (CO₂), with much smaller amounts of nitrous oxide (N₂O) and methane (CH₄), often from unburned natural gas. Other sources of GHG emissions include sulfur hexafluoride (SF₆) from high voltage power equipment and hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) from refrigeration/chiller equipment. Because different GHGs have different warming potential (i.e., the amount of heat trapped by a certain mass of a GHG), and CO₂ is the most common reference gas for climate change, GHG emissions often are quantified and reported in carbon dioxide-equivalent (CO₂e) emissions.

For example, SF₆, while representing a small fraction of the total GHGs emitted annually worldwide, is a very potent GHG with 22,800 times the global warming potential of CO₂ (IPCC, 2007) on a per mass basis. Therefore, an emission of 1 metric ton of SF₆ would be reported as an emission of 22,800 metric tons CO₂e. Large emission sources are reported in million metric tons of CO₂e.

The global warming potentials (GWP) of CH₄ and N₂O are 25 times and 298 times that of CO₂, respectively (IPCC, 2007).² These GWP ratios are provided by the IPCC. Historically, GHG emission inventories have been calculated using the GWPs from the IPCC's Second Assessment Report (SAR). The IPCC updated the GWP values based on the latest science in its Fourth Assessment Report (AR4). The updated GWPs in the IPCC AR4 have begun to be used in recent GHG emissions inventories. By applying the GWP ratios, project-related CO₂e emissions can be tabulated in metric tons per year. Typically, the GWP ratio corresponding to the warming potential of CO₂ over a 100-year period is used as a baseline.

Carbon Dioxide (CO₂): CO₂ is the most abundant GHG in the atmosphere and is primarily generated from fossil fuel combustion from stationary and mobile sources.

Methane (CH₄): CH₄ is emitted from biogenic sources (i.e., resulting from the activity of living organisms), incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The GWP of CH₄ is 21 in the IPCC SAR and 25 in the IPCC AR4.

Nitrous Oxide (N₂O): N₂O produced by human-related sources including agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The GWP of N₂O is 310 in the IPCC SAR and 298 in the IPCC AR4.

Hydrofluorocarbons (HFCs): HFCs are fluorinated compounds consisting of hydrogen, carbon, and fluorine. They are typically used as refrigerants in both stationary refrigeration and mobile air conditioning systems. The GWPs of HFCs ranges from 140 for HFC-152a to 11,700 for HFC-23 in the IPCC SAR and 124 for HFC-152a to 14,800 for HFC-23 in the IPCC AR4.

Perfluorocarbons (PFCs): PFCs are fluorinated compounds consisting of carbon and fluorine. They are primarily created as a byproduct of aluminum production and semiconductor manufacturing. The GWPs of PFCs range from 6,500 to 9,200 in the IPCC SAR and 7,390 to 17,700 in the IPCC AR4.

Sulfur Hexafluoride (SF₆): SF₆ is a fluorinated compound consisting of sulfur and fluoride. It is a colorless, odorless, nontoxic, nonflammable gas. It is most commonly used as an electrical insulator in high-voltage equipment that transmits and distributes electricity. SF₆ has a GWP of 23,900 in the IPCC SAR and 22,800 in the IPCC AR4.

² The California Air Resources Board (CARB) reports GHG emission inventories for California using the GWP values from the IPCC AR4. Although the IPCC has released AR5 with updated GWPs, ARB has not yet updated the statewide GHG inventory or the scoping plan with the AR5 GWPs.

Source of Greenhouse Gas Emissions

There are two general sources of GHG emissions, anthropogenic and biogenic.

Anthropogenic GHG emissions derive from the combustion of fossil fuels. Energy-related CO₂ emissions, resulting from fossil fuel exploration and use, account for approximately 85 percent of the human-generated GHG emissions in the United States, primarily in the form of CO₂ emissions from burning fossil fuels (USEPA, 2017). Anthropogenic emissions also include by-products of certain human-managed biological processes, such as anaerobic decomposition of organic waste in landfills, wastewater treatment, and treatment of wastes from confined animal facilities such as dairies.

Biogenic GHG emissions are derived from natural sources, including the natural decomposition of biomass³ and combustion of biomass or biomass-derived fuels.

The distinction between anthropogenic and biogenic sources of GHG emissions is important because these sources have different impacts on the global carbon cycle. Carbon in fossil fuel reservoirs, such as coal seams and oil and gas deposits, was removed from the atmosphere by plants over millions of years. Through geologic processes, this carbon accumulated in deposits and was isolated from the active carbon cycle. Without human intervention, fossil-fuel carbon would remain isolated from the active carbon cycle into the future. Through extraction and combustion of fossil fuels, humans release this carbon, increasing the total amount of carbon in the atmosphere and in the active carbon cycle (USEPA, 2011).

In contrast to fossil-fuel carbon, carbon present in biomass is cycling through the atmosphere and global carbon cycle on a much faster scale. For example, over the course of a year, carbon removed from the atmosphere by growing corn is released back into the atmosphere through the harvest, and subsequent combustion or decomposition of the corn biomass. Over short time scales, the mass of carbon released by the decomposition of biomass will generally equal the mass of carbon taken up by living organisms. Because biogenic carbon is constantly being released and taken up in the carbon cycle, biogenic CO₂ emissions do not act to increase the total amount of carbon in the atmosphere in the same way as the release of carbon from fossil fuels (USEPA, 2011).

Of these, for the San Anselmo Flood Risk Reduction Project EIR analysis, the anthropogenic emissions are more important, as they are the ones that would be emitted by the construction equipment used to implement the Project's flood risk reduction elements. The biogenic GHG emissions from the Project would be negligible.

³ Biomass is non-fossilized organic matter from plants, animals, and microorganisms, including products, byproducts, and wastes from agriculture, forestry and related industries, as well as the non-fossilized biodegradable fractions of industrial and municipal wastes, including gases and liquids recovered from its decomposition.

4.3.2 Physical Setting

4.3.2.1 Regional Topography, Meteorology, and Climate

The potential for high pollutant concentrations developing at a given location depends upon the quantity of pollutants emitted into the atmosphere in the surrounding area or upwind, and the ability of the atmosphere to disperse the contaminated air. The atmospheric pollution potential, as the term is used here, is independent of the location of emission sources and is instead a function of factors such as topography and meteorology.

The Project would take place in Ross Valley, which is a 28-square mile watershed in the southeastern portion of Marin County in the San Francisco Bay Area. The Project would occur in two locations: one in the upper portion of the Fairfax Creek subwatershed and one in downtown San Anselmo, along San Anselmo Creek in the subwatershed of the same name. The climate of the greater San Francisco Bay Area, including Marin County, is a Mediterranean-type climate characterized by warm, dry summers and mild, wet winters. The climate is determined largely by a high-pressure system that is often present over the eastern Pacific Ocean off the West Coast of North America. In winter, the Pacific high-pressure system shifts southward, allowing storms to pass through the region. During the winter rainy periods, inversions are weak or nonexistent, winds are often moderate and air pollution potential is very low. During winter periods when the Pacific high becomes dominant, inversions become strong and often are surface-based; winds are light and pollution potential is high. These periods are characterized by winds that flow out of the Central Valley into the Bay Area and often include tule fog. The air pollution potential is lowest for those regions closest to the San Francisco Bay, due largely to good ventilation and less influx of pollutants from upwind sources. The occurrence of light winds in the evenings and early mornings occasionally results in elevated pollutant levels. Wind flow patterns are controlled by air circulation in the atmosphere, which is affected by air pressure and the variable topography of the coastal areas adjacent to the San Francisco Bay (BAAQMD, 2017a).

Marin County is bounded on the west by the Pacific Ocean, on the east by San Pablo Bay, on the south by the Golden Gate, and on the north by the Petaluma Gap. Most of Marin's population lives in the eastern part of the county, in small, sheltered valleys. These valleys act like a series of miniature air basins. Although there are a few mountains above 1,500 feet, most of the terrain is only 800 to 1,000 feet high, which usually is not high enough to block the marine layer. In southern Marin, the distance from the ocean is short and elevations are lower, resulting in higher incidence of maritime air in the area. Wind speeds are highest along the west coast of Marin, averaging about 8 to 10 miles per hour. The complex terrain in central Marin creates sufficient friction to slow the air flow. The prevailing wind directions throughout Marin County are generally from the northwest. In the summer months, areas along the coast are usually subject to onshore movement of cool marine air. In the winter, proximity to the ocean keeps the coastal regions relatively warm, with temperatures varying little throughout the year. Coastal temperatures are usually in the high-50's in the winter and the low-60's in the summer. The warmest months tend to be September and October. The eastern side of Marin County has warmer weather than the western side because of its distance from the ocean and because the hills that separate eastern Marin from western Marin occasionally block the flow of the marine air. The temperatures of cities next to the Bay are moderated by the

cooling effect of the Bay in the summer and the warming effect of the Bay in the winter. For example, San Rafael experiences average maximum summer temperatures in the low-80's and average minimum winter temperatures in the low-40's (BAAQMD, 2017a).

Air pollution potential is highest in eastern Marin County, where most of population is located in semi-sheltered valleys. In the southeast, the influence of marine air keeps pollution levels low. As development moves further north, there is greater potential for air pollution to build up because the valleys are more sheltered from the sea breeze. While Marin County does not have many polluting industries, the air quality on its eastern side, especially along the U.S. 101 corridor, is affected by emissions from increasing motor vehicle use within and through the county.

4.3.2.2 Existing Air Quality

The Bay Area Air Quality Management District (BAAQMD) operates a regional monitoring network of air quality monitoring stations to measure the ambient concentrations of criteria pollutants. Existing levels of air pollutants in the study area can be inferred from ambient air quality measurements conducted by BAAQMD at its stations within and close to the Project area. The monitoring station that best represents the air quality in the Project area is located at 534 4th Street in San Rafael. **Table 4.3-1** shows a 5-year (2012 through 2016⁴) summary of data collected at this station for ozone, PM₁₀, PM_{2.5}, and NO₂. The table also compares the data to the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS).

As shown in Table 4.3-1, there were no exceedances of State and national ozone standards between 2012 and 2016. The 24-hour State PM₁₀ standard was exceeded once over the 5 years, but there were no exceedances of the 24-hour national PM₁₀ standard or the State annual average PM₁₀ standard. The national 24-hour PM_{2.5} standard was exceeded five times between 2013 and 2015. There were no measured exceedances of the annual average State or national PM_{2.5} standards, or the NO₂ State standard. CO, SO₂, and lead were not monitored at the San Rafael station over the 5-year study period; however, concentrations of these pollutants are expected to be well below standards in the Project area.

4.3.2.3 Sensitive Receptors

For the purposes of air quality analysis, sensitive receptors are defined as facilities and land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include residential areas, schools, hospitals, and daycare centers. The reasons for greater than average sensitivity include pre-existing health problems, proximity to emissions sources, and/or duration of exposure to air pollutants. Schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of

⁴ The 2017 data are not yet available, as there is generally a 6-month data processing delay following the end of each calendar year.

**TABLE 4.3-1
AIR QUALITY DATA SUMMARY (2012–2016) FOR THE PROJECT AREA**

Pollutant	Monitoring Data by Year				
	2012	2013	2014	2015	2016
Ozone					
Highest 1-Hour Average (ppm)	0.076	0.081	0.088	0.081	0.088
Days over State Standard (0.09 ppm)	0	0	0	0	0
Highest 8-Hour Average (ppm)	0.057	0.069	0.068	0.070	0.067
Days over State Standard (0.070 ppm)	0	0	0	0	0
Days over National Standard (0.070 ppm)	0	0	0	0	0
Respirable Particulate Matter (PM₁₀)					
Highest 24-Hour Average - State (µg/m ³)	37.1	54.4	40.9	42.0	27.0
Measured Days over State 24-Hour Standard (50 µg/m ³)	0	1	0	0	0
Highest 24-Hour – Average - National (µg/m ³)	36.1	51.5	39.0	42.2	26.6
Measured Days over National 24-Hour Standard (150 µg/m ³)	0	0	0	0	0
State Annual Average (Standard: 20 µg/m ³)	13.3	15.6	14.1	16.1	13.8
Fine Particulate Matter (PM_{2.5})					
Highest 24-Hour Average (µg/m ³)	26.5	44.9	38.1	36.3	15.6
Measured Days over National Standard (35 µg/m ³)	0	2	1	2	0
State Annual Average (Standard: 12 µg/m ³)	--	--	10.8	--	--
National Annual Average (Standard: 12.0 µg/m ³)	8.0	10.7	10.7	8.7	6.5
Nitrogen Dioxide (NO₂)					
Highest Hourly Average (ppm)	0.052	0.049	0.062	0.044	0.045
Measured Days over State Standard (0.18 ppm)	0	0	0	0	0
Measured Days over National Standard (0.1 ppm)	0	0	0	0	0

NOTES:

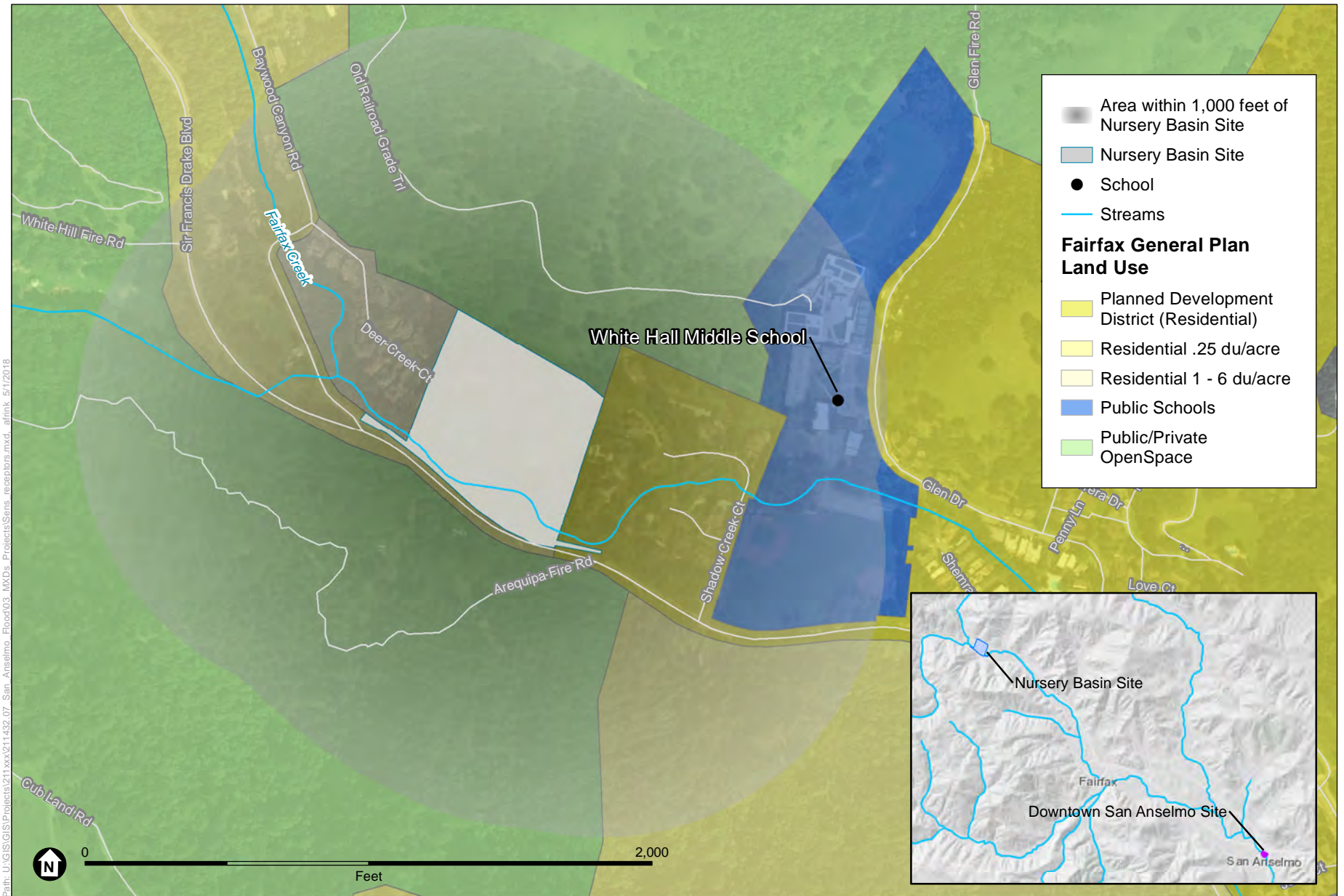
--- indicates that data are not available. Measurements are from the monitoring station at 534 4th Street in San Rafael.
ppm = Parts per million
µg/m³ = Micrograms per cubic meter
bold text = exceedance concentration or number of days over a standard

SOURCE: CARB, 2017a.

time, which results in greater exposure to ambient air quality. Sensitive receptors in the Project area include residential neighborhoods and schools in the Town of San Anselmo and the unincorporated Marin County, just outside of the Town of Fairfax.

Sensitive land uses within 1,000 feet of each of the two Project sites are shown in **Figure 4.3-1a**, Sensitive Receptor Locations Nearest to the Nursery Basin Site, and **Figure 4.3-1b**, Sensitive Receptor Locations Nearest to the Downtown San Anselmo Site, and include the following:

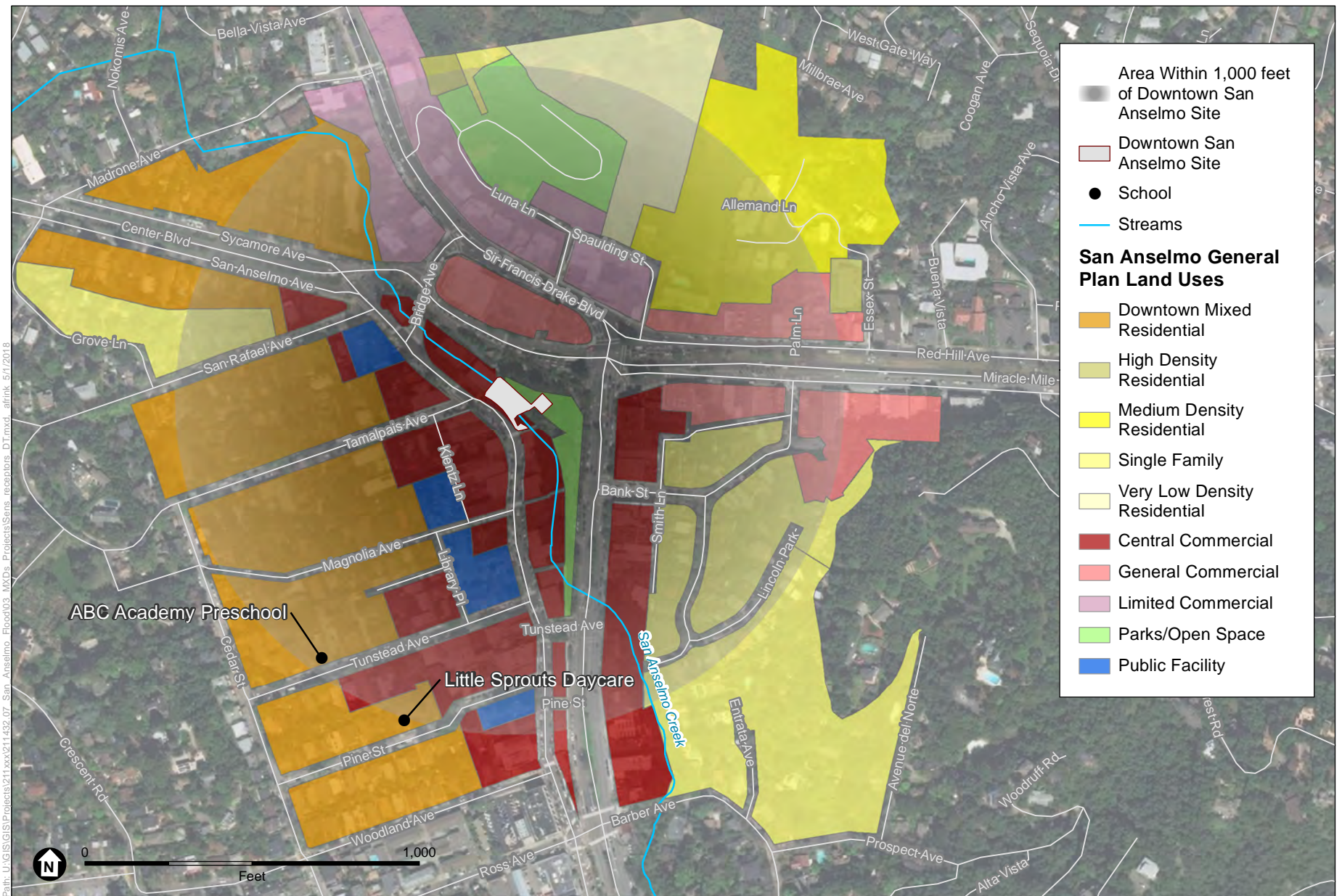
1. Single-family residences located immediately east of the former Sunnyside Nursery property, which is the parcel on which the flood diversion and storage (FDS) basin would be constructed. (This Project's name for that FDS basin is "the Nursery Basin".)
2. Single-family residences located immediately west of the Nursery Basin site.
3. Single-family residences located approximately 150 feet south of the Nursery Basin site (across Sir Francis Drake Boulevard).



SOURCE: ESA

San Anselmo Flood Risk Reduction Project

Figure 4.3-1a
Sensitive Receptor Locations Nearest to the Project Site
Nursery Basin Site



SOURCE: ESA

San Anselmo Flood Risk Reduction Project

Figure 4.3-1b
Sensitive Receptor Locations Nearest to the Project Site
Downtown San Anselmo

4. Single-family residences located approximately 100 feet to the west of the Downtown San Anselmo site (across San Anselmo Avenue).
5. Single-family residences located approximately 300 feet to the east of the Downtown San Anselmo site (across Sir Francis Drake Boulevard).
6. Single-family residences located approximately 450 feet to the northwest of the Downtown San Anselmo site (across Sir Francis Drake Boulevard).
7. Single-family residences located approximately 600 feet to the northeast of the Downtown San Anselmo site (across Red Hill Avenue).
8. The White Hall Middle School located approximately 650 feet to the east of the Nursery Basin site.
9. ABC Academy Preschool located approximately 800 feet to the southwest of the Downtown San Anselmo site.
10. Little Sprouts Daycare located approximately 950 feet to the south of the Downtown San Anselmo site.

All other air quality sensitive receptors are located at greater distances from the Project sites and would be less impacted by Project emissions.

4.3.2.4 Existing GHG Emissions

Anthropogenic GHG emissions in the United States are derived mostly from the combustion of fossil fuels for transportation and power production. The total national anthropogenic GHG emissions in 2015 were approximately 6,587 million metric tons of CO₂e. Energy-related CO₂ emissions resulting from fossil fuel exploration and use account for more than three-quarters of the human-generated GHG emissions, primarily in the form of CO₂ emissions from burning fossil fuels. 29 percent of the GHG emissions were generated from electricity production, such as power plants; 27 percent from transportation, 21 percent from industrial processes while the remaining sources include, agriculture, forestry, residential and commercial uses, and waste management (USEPA, 2017).

Statewide emissions of GHG from relevant source categories for 2011 through 2015 are summarized in **Table 4.3-2**. In 2015, California produced 440.36 million metric tons of CO₂e emissions; Table 4.3-2 shows the percentages of GHG contributions by category for that year. Transportation was the source of 39 percent of the state's GHG emissions, followed by industrial sources at 23 percent, electricity generation at 19 percent, commercial and residential sources at 11 percent, and other sources comprising the remaining 8 percent.

In 2012, Marin County generated 477,456 metric tons of CO₂e emissions with 35 percent coming from transportation, 35 percent from residential and non-residential building energy, 23 percent from agriculture, and the remaining from off-road vehicles and equipment, solid waste generation, water conveyance, and wastewater treatment. GHG emissions from jurisdictions within the Project area are shown in **Table 4.3-3** below. These are the most recent GHG inventories available for each jurisdiction in the region that has conducted an inventory. Most of these jurisdictions don't measure their emissions on a regular basis.

**TABLE 4.3-2
CALIFORNIA GREENHOUSE GAS EMISSIONS (MILLION METRIC TONS CO₂E)**

Emission Inventory Category	2011	2012	2013	2014	2015	
Transportation	164.7	164.38	163.05	164.89	169.38	38.5%
Industrial	101.08	101.46	104.27	104.69	102.97	23.4%
Electricity Generation	88.3	95.33	89.84	88.37	84.09	19.1%
Residential	32.03	30.04	31.19	26.26	26.93	6.1%
Commercial	20.73	21.11	21.64	21.37	22.17	5%
Agriculture & Forestry	35.28	36.42	34.93	36.03	34.65	7.8%
Other	0.25	0.24	0.18	0.24	0.17	<0.1%
Total Gross Emissions	442.37	448.98	445.1	441.85	440.36	100%

SOURCE: CARB, 2017b.

**TABLE 4.3-3
GREENHOUSE GAS EMISSIONS WITHIN MARIN COUNTY (MILLION METRIC TONS CO₂E)**

Emission Inventory Category	Marin County (2012)	Larkspur (2005)	Corte Madera (2013)	Fairfax (2010)	Ross (2005)	San Anselmo (2005)
Residential	111,484	23,746	15,204	13,472	8,239	23,850
Industrial/Commercial	55,142	17,463	12,751	2,770	1,102	7,396
Transportation	166,773	63,055	25,562	16,232	7,268	36,292
Waste	9,362	1,958	1,422	1,109	600	2,168
Water	1,157	--	277	134	--	--
Wastewater	5,562	--	364	280	--	--
Off-road	17,126	--	654	519	--	--
Agriculture	110,850	--	--	--	--	--
Total Gross Emissions	477,456	106,222	56,234	34,516	17,209	69,706

SOURCE: Marin County, 2014; City of Larkspur, 2010; Marin Climate & Energy Partnership (MCEP), 2016; MCEP, Town of Fairfax General Plan Implementation Committee, 2014; Town of Ross, 2010; Town of San Anselmo, 2011.

4.3.3 Regulatory Setting

Established federal, state, and regional regulations provide the framework for analyzing and controlling air pollutant emissions and thus general air quality. The USEPA is responsible for implementing the programs established under the federal Clean Air Act (CAA), such as establishing and reviewing the federal ambient air quality standards and reviewing State Implementation Plans (SIPs), described further below. However, the USEPA has delegated the authority to implement many of the federal programs to the states while retaining an oversight role to ensure that the programs continue to be implemented. In California, CARB is responsible for establishing and reviewing the state ambient air quality standards, developing and managing the California SIP, securing approval of this plan from the USEPA, and identifying TACs. CARB also regulates mobile emissions sources in California, such as construction equipment, trucks, and automobiles,

and oversees the activities of air quality management districts, which are organized at the county or regional level. An air quality management district is primarily responsible for regulating stationary emission sources at facilities within its geographic area and for preparing the air quality plans that are required under the federal CAA and 1988 California CAA. The BAAQMD is the regional agency with regulatory authority over emission sources in the nine-county SFBAAB.

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.3.3.1 Federal and State Regulations

Regulation of criteria air pollutants is achieved through both national and state ambient air quality standards and emissions limits for individual sources. Regulations implementing the federal CAA and its subsequent amendments established national ambient air quality standards for seven criteria pollutants: ozone, NO₂, SO₂, CO, PM₁₀, PM_{2.5}, and lead. California has adopted more stringent state ambient air quality standards for most of the criteria air pollutants. In addition, California has established state ambient air quality standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. Because of the meteorological conditions in the state, there can be considerable difference between state and federal standards in California, as shown in **Table 4.3-4**.

The ambient air quality standards are intended to protect public health and welfare, and they incorporate a margin of safety. They are designed to protect those segments of the public most susceptible to respiratory distress, known as sensitive receptors, including people with asthma, the very young, elderly, people weak from other illness or disease, or persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollution levels somewhat above the ambient air quality standards before adverse health effects are observed.

Attainment Status

Under amendments to the federal CAA, USEPA has classified air basins or portions thereof as either “attainment” or “non-attainment” for each criteria air pollutant, based on whether or not the national standards have been achieved. The California CAA, which is patterned after the federal CAA, also requires areas to be designated as “attainment” or “non-attainment” for the state standards. Thus, areas in California have two sets of attainment/non-attainment designations: one set with respect to the national standards and one set with respect to the State of California standards. Table 4.3-4 shows the attainment status of the SFBAAB with respect to the national and state ambient air quality standards for different criteria pollutants.

Federal Regulations

The USEPA is responsible for implementing programs established by the federal CAA, such as establishing and reviewing the NAAQS for the following air pollutants: CO, ozone, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. The federal CAA also requires the USEPA to designate areas (counties or air basins) as attainment or non-attainment with respect to each criteria pollutant, depending on whether the area meets the NAAQS. If an area is designated as non-attainment, it does not meet the NAAQS and its district is required to create and maintain a SIP for achieving compliance with the NAAQS. Conformity to the SIP is defined under the 1990 CAA amendments as conformity

**TABLE 4.3-4
AMBIENT AIR QUALITY STANDARDS AND SAN FRANCISCO BAY AREA AIR BASIN ATTAINMENT STATUS**

Pollutant	Averaging Time	State Standard	Attainment Status for California Standard	Federal Primary Standard	Attainment Status for Federal Standard
Ozone	8 Hour	0.070 ppm	Non-Attainment	0.070 ppm	Non-Attainment
	1 Hour	0.09 ppm	Non-Attainment	---	---
Carbon Monoxide	8 Hour	9.0 ppm	Attainment	9 ppm	Attainment
	1 Hour	20 ppm	Attainment	35 ppm	Attainment
Nitrogen Dioxide	Annual Average	0.030 ppm	---	0.053 ppm	Attainment
	1 Hour	0.18 ppm	Attainment	0.100 ppm	Unclassified
Sulfur Dioxide	Annual Average	---	---	0.030 ppm	Attainment
	24 Hour	0.04 ppm	Attainment	0.14 ppm	Attainment
	1 Hour	0.25 ppm	Attainment	0.075 ppm	Attainment
Respirable Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 µg/m ³	Non-Attainment	---	---
	24 Hour	50 µg/m ³	Non-Attainment	150 µg/m ³	Unclassified
Fine Particulate Matter (PM _{2.5})	Annual Arithmetic Mean	12 µg/m ³	Non-Attainment	12.0 µg/m ³	Unclassified/Attainment
	24 Hour	---	---	35 µg/m ³	Non-Attainment
Sulfates	24 Hour	25 µg/m ³	Attainment	---	---
Lead	Calendar Quarter	---	---	1.5 µg/m ³	Attainment
	30-Day Average	1.5 µg/m ³	Attainment	---	---
	3-Month Rolling Average	---	---	0.15 µg/m ³	Unclassified
Hydrogen Sulfide	1 Hour	0.03 ppm	Unclassified	No Federal Standard	---
Vinyl Chloride	24 Hour	0.010 ppm	No information available	---	---
Visibility Reducing Particles	8 Hour	Extinction of 0.23/km; visibility of 10 miles or more	Unclassified	No Federal Standard	---

NOTES:
ppm = parts per million
µg/m³ = micrograms per cubic meter

SOURCE: BAAQMD, 2017b.

with the plan's purpose in eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of these standards. Air quality within the SFBAAB does not attain the federal standards for ozone or PM_{2.5}.

State Regulations

CARB is the agency delegated responsibility for preparing and submitting the SIP to the USEPA. CARB also oversees air quality policies in California and has established CAAQS for NO₂, CO, PM₁₀, PM_{2.5}, SO₂, ozone, lead, sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. Most of the CAAQS are at least as stringent (and typically more stringent) as the NAAQS.

The California CAA was approved in 1988 and requires each local air district in the state to prepare an air quality plan to achieve compliance with the CAAQS. Similar to the USEPA, the CARB designates counties or air basins in California as attainment or non-attainment with respect to the CAAQS. Air quality within the SFBAAB does not attain the state standards for ozone, PM₁₀, or PM_{2.5}.

Executive Order S-3-05

Executive Order S-3-05 was established by Governor Arnold Schwarzenegger in June 2006, and establishes statewide emission reduction targets through the year 2050 as follows:

1. By 2010, reduce GHG emissions to 2000 levels;
2. By 2020, reduce GHG emissions to 1990 levels; and
3. By 2050, reduce GHG emissions to 80 percent below 1990 levels.

This executive order does not include any specific requirements that pertain to the Project; however, future actions taken by the state to implement these goals may affect the Project, depending on the specific implementation measures that are developed.

Assembly Bill 32

California Assembly Bill (AB) 32,⁵ the Global Warming Solutions Act of 2006, is the cornerstone of state efforts to reduce GHG emissions. As described below, the law requires CARB to establish a statewide GHG emissions cap for 2020 based on 1990 emission levels, develop a mandatory reporting program of GHG emissions, adopt regulations for discrete early actions to reduce GHG emissions, prepare a scoping plan to identify how emissions reductions will be achieved, and adopt a regulation that establishes a market-based compliance mechanism (also referred to as “Cap and Trade”).

Statewide GHG Emissions Cap

In 2007, CARB established the statewide GHG emissions limit that must be achieved by 2020, equivalent to the statewide GHG emissions levels in 1990, at 427 million metric tons of CO₂e. This figure is approximately 30 percent below projected “business-as-usual” emissions of 596 million metric tons of CO₂e for 2020, and about 10 percent below average annual GHG emissions during the period of 2002 through 2004 (CARB, 2009b).

Climate Change Scoping Plan

In December 2008, CARB approved the AB 32 Scoping Plan outlining the state’s strategy to achieve the 2020 GHG emissions limit (CARB, 2009a). The Scoping Plan estimated a reduction of 174 million metric tons CO₂e from the transportation, energy, agriculture, forestry, and high climate-change-potential sectors, and proposed a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify California’s energy sources, save energy, create new jobs, and enhance public health.

⁵ AB 32 is codified in California Health and Safety Code Division 25.5, Sections 38500 et seq.

The Scoping Plan must be updated every 5 years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal.

In response to the 2030 GHG reduction target stipulated in Executive Order B-30-15 (see discussion below), CARB released the 2017 Climate Change Scoping Plan Update in January 2017 (CARB 2017c). The 2017 Climate Change Scoping Plan Update (Update) sets the groundwork to reach California's long-term climate goals set forth in Executive Orders S-3-05 and B-16-2012 (the latter of these ordered State agencies to facilitate the rapid commercialization of zero-emission vehicles (ZEVs), setting a target for the number of them on California roads and also set a goal for reduction of emissions from the transportation sector). The Update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the initial Scoping Plan.

The Update builds upon the initial Scoping Plan with new strategies and recommendations and identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The Update also outlines the strategies the State will implement to achieve the 2030 GHG reduction target, which build on the Cap-and-Trade Regulation; the Low Carbon Fuel Standard; improved vehicle, truck, and freight movement emissions standards; increasing renewable energy; and strategies to reduce methane emissions from agricultural and other wastes by using it to meet California's energy needs. The Scoping Plan Update also comprehensively addresses GHG emissions from natural and working lands of California, including the agriculture and forestry sectors. The Scoping Plan Update considers the following scenarios:

Proposed Scenario: Continuing the Cap-and-Trade Program combined with an additional 20 percent reduction of GHGs in the refinery sector.

Alternative 1: Direct regulations on a wide variety of sectors, such as specific required reductions for all large GHG sources, more renewables, etc.

Alternative 2: A carbon tax to put a price on carbon, instead of the Cap-and-Trade Program.

Alternative 3: All Cap-and-Trade. This would remove the refinery measure and keep the LCFS at 10 percent.

Alternative 4: Cap-and-Tax. This would place a declining cap on industry, and natural gas and fuel suppliers, while also requiring them to pay a tax on each ton of GHG emitted.

CARB was scheduled to consider the proposed scenario and alternatives and potential adoption of the 2017 Climate Change Scoping Plan Update in late June 2017; however, CARB has postponed this to an undetermined future date (CARB 2017d).

Senate Bill 97

In 2007, the California State Legislature passed Senate Bill (SB) 97, which required amendment of the State CEQA *Guidelines* to incorporate analysis of, and mitigation for, GHG emissions from projects subject to CEQA. The amendments took effect March 18, 2010. The amendments add Section 15064.4 to the State CEQA Guidelines, specifically addressing the potential significance of GHG emissions. Section 15064.4 neither requires nor recommends a specific

analytical methodology or quantitative criteria for determining the significance of GHG emissions. Rather, the section calls for a “good faith effort” to “describe, calculate or estimate” GHG emissions and indicates that the analysis of the significance of any GHG impacts should include consideration of the extent to which the project would:

Increase or reduce GHG emissions;

Exceed a locally applicable threshold of significance; or

Comply with “regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.”

The State CEQA *Guidelines* also state that a project may be found to have a less-than-significant impact related to GHG emissions if it complies with an adopted plan that includes specific measures to sufficiently reduce GHG emissions (Section 15064(h)(3)).

Executive Order B-30-15

In April 2015, Governor Edmund G. Brown Jr. issued an executive order to establish a California GHG reduction target of 40 percent below 1990 levels by 2030 (Office of Governor Edmund G. Brown Jr., 2015). Reaching this emission reduction target will make it possible for California to reach its ultimate goal of reducing emissions 80 percent under 1990 levels by 2050, as identified in Executive Order S-3-05. In 2016, the Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. Within Executive Order B-30-15, the Governor directed the following:

Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030.

Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets.

Directed CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO₂e.

Executive Order B-30-15 also specifically addresses the need for climate adaptation and directs state government to:

Incorporate climate change impacts into the State's 5-Year Infrastructure Plan;

Update the Safeguarding California Plan, the state climate adaption strategy to identify how climate change will affect California infrastructure and industry and what actions the state can take to reduce the risks posed by climate change;

Factor climate change into state agencies' planning and investment decisions; and

Implement measures under existing agency and departmental authority to reduce GHG emissions (Office of the Governor, 2015).

Executive Order B-30-15 requires CARB to update the AB 32 Climate Change Scoping Plan to incorporate the 2030 target. The 2030 Draft Scoping Plan will serve as the framework to define

the State's climate change priorities for the next 15 years and beyond. As discussed above, in January 2017, CARB released the 2017 Climate Change Scoping Plan Update to outline the strategies the State will implement to achieve the 2030 GHG reduction target. Whether the Project would or would not conflict with Executive Order B-30-15's GHG emissions goal is addressed in Section 4.3.4.

4.3.3.2 Regional Regulations and Agencies

Bay Area Air Quality Management District

The Project areas are within the jurisdiction of the BAAQMD, which is the local agency delegated responsibility for preparing, adopting, and implementing stationary and area air emission control measures and standards.

BAAQMD Air Quality Plans

The 1977 CAA amendments require regional planning and air pollution control agencies to prepare a regional Air Quality Plan to outline the measures by which both stationary and mobile sources of pollutants can be controlled in order to achieve all standards specified in the CAA. The California CAA also requires development of air quality plans and strategies to meet state air quality standards in areas designated as non-attainment (with the exception of areas designated as non-attainment for the state particulate matter standards). Maintenance plans are required for attainment areas that had previously been designated non-attainment in order to ensure continued attainment of the standards. (As indicated above, air quality plans developed to meet federal requirements are referred to as SIPs.)

For state air quality planning purposes, the SFBAAB is classified as a serious non-attainment area for the 1-hour ozone standard. The "serious" classification triggers various plan submittal requirements and transportation performance standards. One such requirement is that the BAAQMD update the Clean Air Plan every 3 years to reflect progress in meeting the air quality standards and to incorporate new information regarding the feasibility of control measures and new emission inventory data. The BAAQMD's record of progress in implementing previous measures must also be reviewed. The most recently adopted air quality plan to address nonattainment issues for the SFBAAB is the 2017 Bay Area Clean Air Plan (2017 Clean Air Plan).

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate by continuing progress toward attaining all state and federal air quality standards; eliminating health risk disparities from exposure to air pollution among Bay Area communities; transitioning the region to a post-carbon economy needed to achieve GHG reduction targets for 2030 and 2050; and providing a regional climate protection strategy that will put the Bay Area on a pathway to help achieve those GHG reduction targets. The 2017 Plan includes a wide range of 85 control measures designed to decrease emissions of the air pollutants that are most harmful to residents, such as particulate matter, ozone, and TACs; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of CO by reducing fossil fuel combustion (BAAQMD, 2017c).

4.3.3.3 Local Plans and Policies

Marin County

Countywide Plan

The following goals and policies in the Marin Countywide Plan (Marin County Community Development Agency, 2007) are relevant 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.

Policy AIR-1.2: Meet Air Quality Standards. Seek to attain or exceed the more stringent of federal or State Ambient Air Quality Standards for each measured pollutant.

Policy AIR-1.3: Require Mitigation of Air Quality Impacts. Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

Implementing Program AIR-1.g: Require control measures for construction and agricultural activity. Require reasonable and feasible measures to control particulate emissions (PM-10 and PM-2.5) at construction sites and during agricultural tilling activity, pursuant to the recommendations in the BAAQMD CEQA Guidelines, which may include the following:

1. Watering active construction or agricultural tilling areas.
2. Covering hauled materials.
3. Paving or watering vehicle access roads.
4. Sweeping paved and staging areas.

Goal AIR-4: Minimization of Contributions to Greenhouse Gases. Prepare policies that promote efficient management and use of resources in order to minimize greenhouse gas emissions. Incorporate sea level rise and more extreme weather information into the planning process.

Policy AIR-4.1: Reduce Greenhouse Gas Emissions. Adopt practices that promote improved efficiency and energy management technologies; shift to low-carbon and renewable fuels and zero emission technologies.

Implementing Program AIR-4.c: Reduce Methane Emissions Released from Waste Disposal. Encourage recycling, decrease waste sent to landfills, require landfill methane recovery, and promote methane recovery for energy production from other sources. (See PFS-3.)

Goal EN-3: Adopt Green Building Standards. Integrate green building requirements into the development review and building permit process.

Policy EN-3.1: Initiate Green Building Initiatives. Encourage and over time increasingly require sustainable resource use and construction with nontoxic materials.

Implementing Program EN-3.c: Divert Construction Waste. Continue to implement and improve the Construction and Demolition Waste Recovery Ordinance, requiring building projects to recycle or reuse a minimum of 50% of unused or leftover building materials.

Implementing Program EN-3.d: Encourage Fly Ash in Concrete. Provide incentives and consider regulations requiring new building projects that use a substantial amount of concrete to incorporate at least 25% fly ash to offset some of the energy use and greenhouse gas emissions associated with the manufacturing of cement.

Goal PFS-4: Efficient Processing and Reduced Landfill Disposal of Solid Waste. Minimize, treat, and safely process solid waste materials in a manner that protects natural resources from pollution while planning for the eventual reuse or recycling of discarded material to achieve zero waste.

Policy PFS-4.4: Promote Regulatory Efforts. Support State legislative or regulatory efforts that will aid in achieving zero waste.

Implementing Program PFS-4.b: Divert Construction Waste. Continue to implement the construction and demolition recycling waste ordinance to divert construction waste from landfills.

Marin County Climate Action Plan

The Marin County Climate Action Plan 2014 Update (Marin County, 2014), builds on the County's 2006 GHG Reduction Plan and provides an update of GHG emissions in 2012, forecasts of emissions for 2020, and an assessment of actions that the County will take to further reduce emissions by 2020. The update includes two targets:

Reduce GHG emissions from community activities in the unincorporated areas of Marin County by at least 30 percent below 1990 levels by 2020; and

Reduce GHG emissions from the County's municipal activities by at least 15 percent below 1990 levels by 2020.

The update includes a variety of regulatory and incentive-based strategies that aim to reduce GHG emissions from both existing and new development in the County, supplement State programs, and achieve additional emissions reductions. There are 13 local community actions and 8 local municipal actions included in the update. The following action is relevant to the Project.

SP Waste-2. Construction and Demolition Reuse and Recycling Ordinance: All building and demolition permits must demonstrate a 50% minimum of reused or recycled construction and demolition materials. This ordinance was passed in September 2003. Increase the C&D [Construction and Demolition] diversion rate of to 65% for all new construction projects.

The following adaptation action in the Marin County Climate Action Plan is relevant to the Project.

Stagger activities like construction to cooler times of day.

Although most of the Marin County Climate Action Plan measures would not apply to the activities associated with the implementation of a flood risk reduction project, the GHG emissions inventory for the Marin County Climate Action Plan included forecasted emissions for off-road construction equipment (based on CARB's OFFROAD model)⁶; therefore, Project-related

⁶ See <https://www.arb.ca.gov/msei/categories.htm>

construction emissions that would occur in unincorporated Marin County would be covered by and subject to the Climate Action Plan.

Marin Climate and Energy Partnership

The Marin Climate and Energy Partnership (MCEP) was initiated in 2007 to recognize the need for a partnership platform that would allow collaboration between jurisdictions in Marin County on the complex GHG reduction challenge. The MCEP's goal was to bring together representatives of all 11 Marin jurisdictions, the County, Marin Municipal Water District, and Transportation Authority of Marin, to develop the MCEP structure and goals, and to develop the necessary resources to plan and implement coordinated GHG reduction strategies among all local governments in Marin County, along with the transportation and water agencies.

One mission of the MCEP is to reduce GHG emission levels to the targets of Marin County and local municipalities in compliance with the standards set by AB 32, while also meeting the criteria air pollutant reduction goals of the BAAQMD. MCEP is directed by a Steering Committee consisting of one representative from each partner jurisdiction and agency, working in collaboration with relevant staff liaisons from member entities to implement a coordinated approach to local and regional emissions reduction targets and climate action planning goals.

Town of San Anselmo

General Plan

The San Anselmo General Plan (Town of San Anselmo, 2015) contains the following conservation policy guidelines that apply to air quality and GHG emissions throughout the planning area:

1. Air, water, and noise pollution shall be prevented or minimized.
7. Construction shall be located and designed to avoid or minimize the hazards from earthquake, erosion, landslides, floods, fire, and accidents.
13. The Town and County shall take measures to reduce existing and future inefficient or unnecessary energy or natural resources consumption (The State Secretary for Resources has recently required that Environmental Impact Reports contain mitigation measures to reduce inefficient and unnecessary consumption of energy). Recyclable and biodegradable materials shall be utilized and used materials shall be recycled or reused whenever possible.

Climate Action Plan

The Climate Action Plan for the Town of San Anselmo proposes an emissions reduction target of 15 percent below 2005 levels by 2020, which is consistent with the State's direction to local governments in the AB 32 Scoping Plan (Town of San Anselmo, 2011). With emissions projected to increase under the business-as-usual scenario even as reduction efforts are initiated, achieving the target would require a 20.3 percent reduction from projected 2020 emissions levels. The local measures presented in the plan along with state reductions would result in total emissions approximately 27 percent below 2005 levels, enough to allow the Town to surpass a reduction target by 2020. The following actions are relevant to the Project.

3.3 Land Use and Transportation. Recommended Actions:

7. Encourage the use of fuel-efficient and low GHG-emitting vehicles and driver behaviors.
 - b. Adopt and implement a policy requiring limitations on idling for commercial vehicles, construction vehicles, buses and other similar vehicles, beyond state law, where feasible.
8. Purchase or lease low or zero-emissions vehicles and the most fuel efficient models possible for the Town fleet, including police patrol cars and construction vehicles.

3.6 Waste Reduction, Recycling and Zero Waste. Recommended Action:

4. Adopt local amendments to the 2010 California Green Building Standards Code to require 50% construction and demolition waste diversion for construction, demolition and renovation projects, as proposed in the JPA's model ordinance.

Town of San Anselmo Municipal Code

Section 9-20.05 of the San Anselmo Municipal Code specifies diversion requirements for Projects subject to the Town's jurisdiction. Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy (70%) percent on or after the effective date of this chapter, and shall increase to eighty (80%) percent by December 31, 2012, to eighty-five (85%) percent by December 31, 2015, to ninety (90%) percent by December 31, 2018, and to ninety-four (94%) percent by December 31, 2025.

Town of Fairfax

Neither of the Project sites are within the jurisdictional boundaries of the Town of Fairfax, but the former Sunnyside Nursery property is immediately adjacent to the Town's western boundary. As such, the following information on the Town's General Plan and Climate Action Plan are presented for information purposes.

General Plan

The following goals, objectives, and policies relevant to air quality and GHG emissions are in the Town of Fairfax's 2010 General Plan (Town of Fairfax, 2012). A number of more detailed programs support each of these policies; they are described fully in the Conservation (CON) Element of the General Plan. As noted elsewhere in this document, neither Project element would take place within the Fairfax town limits, but these goals, objectives, and policies are presented here for informational purposes.

Goal CON-1: Energy Conservation and Climate.

Objective CON-1.1: Integrate reduction of the use of non-renewable energy resources and GHG emissions into planning for the Town of Fairfax.

Policy CON-1.1.1: Develop and implement a Climate Action Plan for Fairfax, including within its scope both the operations of the Town government and the activities of citizens, and including both stationary and mobile sources.

Policy CON-1.1.3: Encourage green building techniques for all new and remodel construction within the Town of Fairfax.

Policy CON-1.1.4: Participate in statewide and countywide efforts toward energy conservation, renewable energy generation and GHG reduction.

Objective CON-1.2: Reduce consumption of non-renewable energy resources and reduce GHG emission by the residents and Town of Fairfax.

Policy CON-1.2.1: Implement energy efficiency and use of sustainable energy resources by Town government.

Goal CON-2: Air Quality.

Objective CON-2.1: Improve air quality through proper planning and building decisions.

Policy CON-2.1.2: All planning decisions shall require application of existing air quality guidelines and best practices to minimize air quality impact.

Program CON-2.1.2.1: Require new uses and development projects that generate significant toxic air contaminants, particulates or odors to include adequate buffer zones, setbacks or other mitigation measures to protect existing or future sensitive receptors.

Program CON-2.1.2.2: As a condition of approval for discretionary projects, require dust control measures consistent with the “Feasible Control Measures for Construction Emissions of PM10” of the BAAQMD CEQA Guidelines, or its successor document.

Program CON-2.1.2.3: As a condition of approval for demolition permits, require applicants to demonstrate compliance with applicable BAAQMD standards and procedures for mitigating the risk of exposure to lead paint and asbestos.

Program CON-2.1.2.4: As a condition of approval, require emission control measures for construction equipment that are appropriate to the specifics of the project and as recommended by the BAAQMD.

Objective CON-2.3: Improve air quality through cooperation and coordination with regional, State, federal and non-profit agencies.

Policy CON-2.3.2: Support air quality initiatives from the State of California.

Program CON-2.3.2.1: Implement regulations issued by the CARB or other State regulatory agency regarding air pollutant and GHG emissions.

Climate Action Plan

This Climate Action Plan supports the Town’s emissions reduction target of 20 percent below 2005 levels by 2020, which exceeds the State’s direction to local governments to reduce emissions by 15 percent below 2005 levels. The local actions identified in the Clean Air Plan combined with reductions already realized in the community between 2005 and 2010 and State reductions would reduce emissions in Fairfax by approximately 27 percent below 2005 levels in year 2020, enough to allow the Town to exceed its reduction target of 20 percent below the 2005 baseline (MCEP, 2014). Identified measures primarily relate to natural systems and sequestration,

transportation and land use, green building, energy efficiency and renewable energy, waste reduction, recycling and zero waste, water and wastewater, and education and citizen involvement. The following actions are relevant to the Project.

Waste Reduction, Recycling, and Green Waste: Community Mitigation Measures:

Construction and Demolition Waste. Divert 94% of construction and demolition waste from landfills.

Although most of the Town of Fairfax Climate Action Plan measures would not apply to the activities associated with the implementation of a flood risk reduction project, the GHG emissions inventory for the Climate Action Plan included forecasted emissions for off-road construction equipment (based on CARB's OFFROAD model); therefore, Project-related construction emissions that would occur in the Town of Fairfax would be covered by and subject to the Climate Action Plan.

4.3.4 Impacts and Mitigation Measures

This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the proposed Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section. Mitigation measures are recommended, as necessary, to reduce significant impacts to less-than-significant levels.

4.3.4.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact on air quality or related to GHG emissions if it would:

- a) Conflict with or obstruct implementation of the applicable air quality plan;
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- d) Expose sensitive receptors to substantial pollutant concentrations;
- e) Create objectionable odors affecting a substantial number of people;
- f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- g) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

4.3.4.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in air pollutant and GHG emissions or other air quality impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. Mitigation measures are identified, as necessary, to reduce significant impacts.

Air Quality

The evaluation of potential impacts to regional and local air quality that may result from the construction and long-term operations of the Project is conducted as follows. Additional details are provided in **Appendix B**.

Consistency with Air Quality Management Plan

The BAAQMD is required, pursuant to the Clean Air Act, to reduce emissions of criteria pollutants for which the SFBAAB is in non-attainment of the CAAQS (i.e., ozone, PM₁₀, and PM_{2.5}) and NAAQS (i.e., ozone and PM_{2.5}). The BAAQMD's 2017 Clean Air Plan contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving the CAAQS and NAAQS. These strategies are developed, in part, based on regional growth projections prepared by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). Projects that are consistent with the assumptions used in the Clean Air Plan do not interfere with attainment because the growth is included in the projections utilized in the formulation of the Clean Air Plan. Thus, projects, uses, and activities that are consistent with the applicable growth projections and control strategies used in the development of the Clean Air Plan would not jeopardize attainment of the air quality levels identified in the Clean Air Plan, even if they exceed the BAAQMD's emissions thresholds.

Criteria Air Pollutants

As described above under Regulatory Framework, the SFBAAB experiences low concentrations of most pollutants when compared to federal or State standards and is designated as either in attainment or unclassified for most criteria pollutants, with the exception of ozone, PM_{2.5}, and PM₁₀, for which these pollutants are designated as non-attainment for the State and/or federal standards.

By definition, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions are considered to contribute to the existing, cumulative air quality conditions. If a project's contribution to cumulative air quality conditions is considerable, then the project's impact on air quality would be considered significant (BAAQMD, 2017a).

Table 4.3-5 identifies quantitative criteria air pollutant significance thresholds and is followed by a discussion of each threshold. Projects that would result in criteria pollutant emissions below these significance thresholds would not violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the SFBAAB. Both sets of thresholds (average daily and maximum annual) apply to operational emissions from a given project. Construction emissions are assessed solely

with respect to the average daily thresholds, pursuant to BAAQMD guidance, because of the temporary nature of construction-related emissions (BAAQMD, 2017a).

The thresholds of significance for criteria air pollutants are based on substantial evidence presented in Appendix D of the BAAQMD CEQA Air Quality Guidelines and BAAQMD's *Revised Draft Options and Justification Report* concerning CEQA thresholds (BAAQMD, 2017a; BAAQMD, 2010).

**TABLE 4.3-5
CRITERIA AIR POLLUTANT SIGNIFICANCE THRESHOLDS**

Pollutant	Construction-Related	Operations-Related	
	Average Daily Emissions (pounds per day)	Average Daily Emissions (pounds per day)	Maximum Annual Emissions (tons per year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (exhaust)	85	15
PM _{2.5}	54 (exhaust)	54	10
PM ₁₀ / PM _{2.5} (fugitive dust)	Construction dust ordinance or other best management practices to control fugitive dust emissions	none	

SOURCE: BAAQMD, 2017a

The potential for a project to result in a cumulatively considerable net increase in criteria air pollutants that may contribute to an existing or projected air quality violation is based on the State and Federal Clean Air Acts' emissions limits for stationary sources. To ensure that new stationary sources do not cause or contribute to a violation of an air quality standard, BAAQMD Regulation 2, Rule 2 requires that any new source that emits criteria air pollutants above a specified emissions limit must offset those emissions. For ozone precursors ROG and NO_x, the offset emissions level is an annual average of 10 tons per year (or 54 pounds per day) (BAAQMD, 2010). These levels represent emissions below which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants that could result in increased health effects.

The Federal New Source Review program was created under the Federal Clean Air Act to ensure that stationary sources of air pollution are constructed in a manner that is consistent with attainment of Federal health-based ambient air quality standards. For PM₁₀ and PM_{2.5}, the emissions limit under the New Source Review program is 15 tons per year (82 pounds per day) and 10 tons per year (54 pounds per day), respectively. These emissions limits represent levels at which a source is not expected to have a significant impact on air quality (BAAQMD, 2010).

Although the regulations specified above apply to new or modified stationary sources, the Project would generate ROG, NO_x, PM₁₀, and PM_{2.5} emissions as a result of increases in vehicle trips, energy use, and construction activities. Therefore, the identified thresholds can be applied to the construction and operational phases of the Project. If the Project would result in emissions below

these thresholds it would not be considered to contribute to an existing or projected air quality violation or result in a considerable net increase in ozone precursors or particulate matter.

Fugitive dust emissions are typically generated during construction phases. Studies have shown that the application of best management practices (BMPs) at construction sites significantly controls fugitive dust (Western Regional Air Partnership, 2006), and individual measures have been shown to reduce fugitive dust by anywhere from 30 to 90 percent (BAAQMD, 2010). The BAAQMD has identified eight Basic Construction Mitigation Measures to control fugitive dust emissions from construction activities for all projects, and 13 Additional Construction Mitigation Measures for all projects where construction-related emissions would exceed one or more of the BAAQMD's significance thresholds (BAAQMD, 2017a).

Construction Impacts

Construction of the Project would generate temporary criteria pollutant exhaust emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, and through vehicle trips generated from worker vehicles and haul trucks traveling to and from the Project sites. In addition, fugitive dust emissions would result from demolition of a commercial building and various soil-handling and debris-management activities. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions.

Emissions were estimated for the Project using the California Emissions Estimator Model (CalEEMod) (version 2016.3.2), which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify criteria pollutant and GHG emissions from a variety of projects. CalEEMod was developed in collaboration with the air districts of California. Regional data (e.g., emission factors, trip lengths, meteorology, source inventory) have been provided by the various California air districts to account for local requirements and conditions. The model is considered to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from projects throughout California, and is recommended by the BAAQMD.⁷

Average daily emissions during construction are forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the appropriate emissions factors for each source of emissions. The emissions are estimated using the CalEEMod software. The input values used in CalEEMod were adjusted to be Project-specific based on equipment types and the construction schedule. Construction haul and vendor truck emissions during grading, concrete pouring, and structure construction were evaluated using regional heavy-duty truck emission factors from EMFAC2017. Daily truck trips and default CalEEMod trip length data (10.8 miles for worker trips, 14.6 miles for vendor trips, and 20 miles for haul truck trips) were used to assess roadway emissions from truck exhaust, as well as typical CARB idling times of local emissions on-site. Detailed calculations are provided in Appendix B of this Draft EIR. It should be noted that the average daily emissions are predicted values based on the assumption that construction of the two Project elements (the Nursery Basin

⁷ See: California Emissions Estimator Model webpage at: <http://caleemod.com/>.

and the removal of the building at 634-636 San Anselmo Avenue in Downtown San Anselmo) would occur at the same time. Thus, average daily emissions represent the emissions that would occur for every day of Project construction when combining concurrent construction activities at the two sites in 2019, over a period of approximately seven months. The average daily emissions are compared to the BAAQMD average daily emissions thresholds.

Operational Impacts

Following construction, the operation and maintenance of the Downtown San Anselmo element would be very similar to current management practices in the current creek channel at this site. These activities would be periodic debris or litter removal, vegetation management, sediment removal, and so on. At the Nursery Basin site, there would be periodic activity to remove accumulated sediment or weeds, inspect and repair the basin's filling and draining infrastructure, and so on. Sediment may be removed at least annually from Fairfax Creek to maximize flood control effectiveness by maintaining the storage capacity in the channel. One routine, annual sediment removal would occur in the dry season to reduce effects on water quality and aquatic species. The amount of sediment removed in that routine maintenance action would vary depending on storm events and sediment moving into the creek each year. During especially wet years, a second sediment removal action may be necessary. The removal would be done using a bulldozer in the creek and an excavator working from the maintenance access road, top of the diversion structure, or top of the side-weir, as needed to reach the deposited material. Up to 1,600 cubic yards of sediment may be removed from Fairfax Creek per sediment removal event. Removed sediment would be hauled to a site within Marin County for beneficial reuse pursuant to the Flood Control District's Stream Maintenance Program or to Redwood Landfill. Approximately 290 cubic yards, requiring 33 truckloads, would be generated each day during sediment removal; about one week would be required to remove 1,600 cubic yards of sediment.

Operational emissions were estimated for the Project using the CalEEMod software for the off-road excavator and EMFAC2017 for the on-road haul trucks commuting workers. Excavator emissions that would be generated during sediment removal were estimated assuming the excavator would operate 10 hours per day for six days each year. Operational haul truck emissions during sediment removal were evaluated assuming trucks would operate six days each year (based on the removal of 290 cubic yards per day), using regional heavy-duty truck emission factors from EMFAC2017. Daily truck trip amounts and CalEEMod default trip length data (10.8 miles for worker trips, 14.6 miles for vendor trips, and 20 miles for haul truck trips) were used to assess roadway emissions from truck exhaust, and typical CARB-recommended idling times were used to estimate local truck emissions on-site. Detailed calculations are provided in Appendix B of this Draft EIR. It should be noted that the average daily emissions are predicted values based on the assumption that the off-road excavator and on-road haul trucks would only be operating six days per year. Thus, average daily emissions represent total emissions that would occur over six days of sediment removal divided by 365 total days each year. The average daily emissions are compared to the BAAQMD average daily emissions thresholds.

Other Criteria Pollutants

Regional concentrations of CO in the Bay Area have not exceeded the State standards in the past 11 years, and SO₂ concentrations have never exceeded the standards. The primary source of

CO emissions from development projects is vehicle traffic. Construction-related SO₂ emissions represent a negligible portion of the total basin-wide emissions, and construction-related CO emissions represent less than five percent of the Bay Area total basin-wide CO emissions. As discussed previously, the Bay Area is in attainment for both CO and SO₂. Furthermore, the BAAQMD has demonstrated, based on modeling, that to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20 ppm (1-hour average) for CO, Project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). The Project will not generate any vehicle trips outside of construction vehicles, because it does not have an operational component. Daily construction vehicle trips range from 60 (worker trips only) to 350 (worker trips, haul trips, and other truck trips) one-way trips. This is significantly less than 24,000 vehicles per hour. Therefore, given the Bay Area's attainment status and the limited CO and SO₂ emissions that could result from the Project, the Project would not result in a cumulatively considerable net increase in CO or SO₂, and a quantitative analysis relative to these pollutants is not required.

Toxic Air Contaminants Impacts (Construction and Operations)

Any project that would have the potential to expose sensitive receptors to substantial levels of toxic air contaminants that would result in an incremental cancer risk of 10.0 in one million or greater, a hazard index of 1.0 or greater, or an increase in ambient PM_{2.5} concentrations of 0.3 µg/m³ or greater annual average would be considered to have a significant impact on sensitive receptors (BAAQMD, 2017a). The PM_{2.5} threshold for construction is applied to exhaust emissions only, not fugitive dust emissions.

TAC emissions in the form of DPM would be generated during construction of the Project, primarily associated with heavy-duty equipment exhaust during demolition, excavation, and grading activities. Construction activities associated with the Project would be transitory and short term in nature. The Office of Environmental Health Hazards Assessment (OEHHA) is responsible for developing and revising guidelines for performing health risk assessments (HRAs) under the state's Air Toxics Hot Spots Program Risk Assessment (AB 2588) regulation. In March 2015, OEHHA adopted revised guidelines that update the previous guidance by incorporating advances in risk assessment with consideration of infants and children using Age Sensitivity Factors (ASF). A screening-level construction HRA was performed in accordance with the revised OEHHA Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidance) (OEHHA, 2015). The analysis incorporates the estimated construction emissions, as previously discussed, and dispersion modeling using the USEPA AERSCREEN model, the USEPA's recommended screening-level air quality model based on the AMS/EPA Regulatory Model (AERMOD) model (USEPA 2016a).

During long-term operations, TACs could be emitted as part of periodic maintenance operations, cleaning, painting, etc., and from periodic visits from delivery trucks and service vehicles. However, these occasional activities are expected to be similar to existing flood control and creek channel maintenance activities in the area and would not result in a considerable net increase in long-term emissions. The long-term exposure to off-site sensitive receptors would be minimal. As the Project consists of a building demolition, a flood diversion and storage basin, floodwalls, and other flood risk management facilities, the Project would not include sources of substantive TAC

emissions identified by the BAAQMD or CARB siting recommendations. Thus, a qualitative health risk analysis is appropriate for long-term Project operations.

Odors

For odors, BAAQMD recommends that potential impacts be evaluated if a potential source of objectionable odors is proposed at a location near existing sensitive receptors or if sensitive receptors are proposed to be located near an existing source of objectionable odors. Combustion emissions from the use of diesel fuel in construction equipment, as well as tar or asphalt used for any paving improvements, could generate localized objectionable odors. If sensitive receptors are located in the immediate vicinity of these activities, odors could be perceivable and constitute a nuisance impact. Odor impacts are evaluated based on the location of sensitive receptors relative to the source of construction-related odors and the duration and intensity of these odors.

Greenhouse Gas Emissions

The evaluation of potential impacts associated with GHG emissions that may result from the Project was conducted as follows. Additional details are provided in Appendix B.

The Climate Action Registry General Reporting Protocol provides procedures and guidelines for calculating and reporting GHG emissions from general and industry-specific activities. Although the General Reporting Protocol identifies no numerical thresholds of significance or specific protocols, it provides a framework for calculating and reporting GHG emissions for proposed projects.

For purposes of this analysis, it is considered reasonable and consistent with criteria pollutant calculations to consider those GHG emissions resulting from Project-related incremental (net) increases in the use of off-road and on-road mobile vehicles compared to existing conditions. This includes Project construction activities such as demolition, hauling, and construction worker trips. Since potential impacts resulting from GHG emissions are long-term rather than acute, GHG emissions are calculated on an annual basis.

The General Reporting Protocol provides a range of basic calculation methods. However, they are typically designed for existing buildings or facilities and are not directly applicable to planning and development situations where the buildings or facilities do not yet exist, or for projects that remove buildings or facilities. As a result, this section relies on calculation guidance from state and regional agencies with scientific expertise in quantifying GHG emissions, such as CARB and the BAAQMD. GHG emissions are estimated using CalEEMod.

For land use projects with operations that are not stationary sources, the BAAQMD's CEQA Guidelines recommend use of an operational significance threshold of 1,100 metric tons CO₂e per year and for stationary source projects the recommended significance threshold is 10,000 metric tons CO₂e per year (BAAQMD, 2017a). The Project would include no new stationary sources of GHG emissions, and operation of the Project does not involve activities that would generate a net increase in GHG emissions. For this reason, the stationary source significance threshold of 10,000 metric tons CO₂e per year is not an appropriate threshold to gauge impact significance of the Project.

Therefore, even though the Project is not a typical land use development project, this EIR nonetheless uses the significance threshold of 1,100 metric tons CO₂e per year to evaluate whether the Project's GHG emissions could have a significant impact on the environment. Use of this threshold results in approximately 59 percent of all projects being above the significance threshold and having to implement feasible mitigation measures to meet their CEQA obligations. These projects account for approximately 92 percent of all GHG emissions anticipated to occur between now and 2020 from new land use development in the Bay Area (BAAQMD, 2017a). If all land use-related Project emissions are mitigated to below this threshold, it would represent an overall reduction in new land use project-related emissions of up to 92 percent.

It is acknowledged that this significance threshold was developed to focus on emissions reductions by 2020, and that BAAQMD staff and CARB have not yet provided guidance or recommendations for significance thresholds to evaluate consistency with emissions reduction goals for years beyond 2020; however, since the Executive Order B-30-15 emissions reductions goal of lowering GHG emissions to 40 percent below 1990 levels by 2030 is roughly equivalent to reducing emissions by 42 percent below current levels and the Executive Order S-3-05 emissions reductions goal of lowering GHG emissions to 80 percent below 1990 levels by 2050 is roughly equivalent to reducing emissions by 81 percent below current levels, the 1,100 metric tons CO₂e per year threshold can be used as a rough gauge to determine if the Project would be consistent with these post 2020 goals. For discussion relative to the potential for the Project to result in emissions (including GHG emissions) that could conflict with the BAAQMD's 2017 Clean Air Plan, refer to Impact 4.3-2 and Impact 4.3-3 below.

Construction Emissions

The BAAQMD has not adopted a significance threshold for construction-related GHG emissions; however, it requires that the lead agency disclose those emissions and make a determination of impacts in relation to meeting AB 32 reduction goals. The SCAQMD guidance, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, recognizes that construction-related GHG emissions from projects “occur over a relatively short-term period of time” and that “they contribute a relatively small portion of the overall lifetime project GHG emissions” (SCAQMD, 2008). The guidance recommends that construction GHG emissions should be “amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies.” In accordance with SCAQMD guidance, GHG emissions from construction have been amortized over the 30-year lifetime of the Project.

Construction emissions are forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the appropriate emissions factors. The output values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule. These values were then applied to the same construction phasing assumptions used in the criteria pollutant analysis to generate GHG emissions values for construction.

Operational Emissions

As discussed above for air quality, operation of the Project may involve the annual removal of sediment from Fairfax Creek to maximize flood control effectiveness by maintaining the storage capacity in the channel. GHG emissions were estimated for the excavator/bulldozer, haul truck trips, and worker commutes following the methods presented above for air quality. Detailed calculations are provided in Appendix B of this Draft EIR. It should be noted that annual GHG emissions are predicted values based on the assumption that the off-road excavator/ bulldozer and on-road haul trucks and commuting worker vehicles would only be operating six days per year. Thus, annual emissions represent total emissions that would occur over six days of sediment removal. The average annual emissions are compared to the BAAQMD annual emissions threshold.

4.3.4.3 Impacts and Mitigation Measures

Impact 4.3-1: Construction of the Project would generate criteria pollutant emissions that could exceed air quality standards or contribute substantially to an existing or projected air quality violation. (*Less than Significant with Mitigation*)

As discussed above, construction activities associated with the Project would involve the use of diesel powered construction equipment, such as graders, excavators, bulldozers, loaders, dump trucks, etc., that would generate exhaust in the form of both criteria air pollutants and criteria air pollutant precursors. In addition, exhaust emissions would be generated from vehicle trips associated with material delivery/debris hauling and commuting workers. Construction activities would also generate fugitive dust (including PM₁₀ and PM_{2.5}) during excavation, grading, spoils placement, and vehicle travel on both paved and unpaved surfaces. Construction of the Nursery Basin element is anticipated to take approximately seven to eight months (147 total workdays was the figure used in estimating emissions). Implementation of the Downtown San Anselmo element is anticipated to take 3-4 months (75 total workdays was used in estimating emissions). It was assumed that construction would begin in 2019 and construction activities at the two sites would occur concurrently; thus, the total construction period is 147 workdays, or seven total months. Construction-related emissions for each Project element is a function of the construction activity involved, including the type, size, and amount of construction equipment used, duration of equipment use, the amount of required auto/light-truck and heavy truck trips, and the average mileage of those trips.

The duration of each construction phase for each Project element was provided by the Project's design engineers, which also provided an estimate for the construction equipment fleet for each construction phase for each of the Project elements, along with an estimated number of on-road equipment mobilization trips, soil off-haul truck trips, water truck trips, and other miscellaneous truck trips. Regarding heavy-duty trucks for material movement, the Nursery Basin would involve the excavation of 28,028 cubic yards of material, requiring 1,933 haul truck roundtrips. There would also be an additional 811 heavy-duty truck roundtrips for mobilization of equipment and delivery of construction materials. The Downtown San Anselmo element would require the excavation of 1,600 cubic yards of material, requiring 170 haul truck roundtrips. There would also be an additional 432 truck roundtrips for mobilization of equipment and delivery of

construction materials. EMFAC2017 emission factors were used to estimate criteria pollutant emissions from offsite heavy-duty truck and commuting worker vehicle travel that would be associated with construction activities. The total number of one-way trips (2 per load) as indicated above was multiplied by the CalEEMod default one-way trip length for haul trips (10.8 miles for worker trips, 14.6 miles for vendor trips, and 20 miles for haul truck trips) to determine the total vehicle miles traveled.

Regarding additional truck trips, the Nursery Basin would involve 660 water truck roundtrips, 360 flatbed truck trips, and 735 pickup truck roundtrips; the Downtown San Anselmo work would require 235 water truck roundtrips, 144 flatbed truck trips, and 375 pickup truck roundtrips. Emissions from onsite truck travel for water trucks and pickup trucks, onsite truck idling, and pickup truck trips to and from the Project site were calculated outside CalEEMod using EMFAC2017 emission factors and the following activity data. For all truck types, it was assumed that they would be driving 20% of the time at 5 miles per hour (at the site) and idling 15% of the time across an average 8-10-hour workday at the Project sites. For haul trucks, it was assumed that idling activities would total 15 minutes per round trip, representing three separate 5-minute idling occurrences: check-in to the site or queuing at the site boundary upon arrival, on-site idling during loading/unloading, and check-out of the site or queuing at the site boundary upon departure. For pickup trucks, the total number of one-way trips (2 per load) as indicated above was multiplied by the CalEEMod default one-way trip length for vendor trips (14.6 miles) to determine the total vehicle miles traveled.

Because construction associated with both Project elements could occur simultaneously, it is conservatively assumed that construction of both elements would occur simultaneously. In order to calculate average daily emissions for each Project element individually, total emissions for each Project element were divided by the total number of construction workdays for each Project element (as listed above). In order to calculate total average daily emissions for both Project elements combined, total emissions for both Project elements were divided by the total number of construction workdays for the Nursery Basin (147 work days). This means that the sum of the average daily emissions for each Project element is not equal to the total average daily emissions for the Project as a whole.

Table 4.3-6 presents unmitigated construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust, and compares these emissions to the BAAQMD construction thresholds. An exceedance of any one of these significance thresholds would indicate that the Project could result in an air quality standard being exceeded or contribute substantially to an existing or projected air quality violation. As shown in the table, no emissions would exceed the BAAQMD thresholds. Therefore, this would constitute a less-than-significant impact.

To compare the estimated Project construction emissions to the BAAQMD significance thresholds, the emissions must be exhaust only (i.e., no fugitive dust) and in an average daily format. It is assumed that each piece of equipment associated with construction of the Project would operate 8-10 hours per day for varying amounts of days depending on the type of construction activity as well as the schedule for each Project element. Average hours per day for each equipment type were estimated by dividing the total work hours for the equipment types by the total workdays required to

TABLE 4.3-6
ESTIMATED AVERAGE DAILY CONSTRUCTION EXHAUST EMISSIONS (POUNDS/DAY)

Project Element and Emissions Source	Average Daily Emissions (pounds per day) ¹			
	ROG	NO _x	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)
<i>Nursery Basin</i>				
Off-Road Equipment	1.0	11.3	0.5	0.5
On-Road Trucks	0.7	14.4	0.2	0.2
Worker Trips	0.3	0.2	<0.1	<0.1
<i>Subtotal</i>	<i>2.0</i>	<i>25.8</i>	<i>0.8</i>	<i>0.7</i>
<i>Downtown San Anselmo</i>				
Off-Road Equipment	0.6	5.7	0.3	0.3
On-Road Trucks	0.4	6.3	<0.1	<0.1
Worker Trips	0.3	0.2	<0.1	<0.1
<i>Subtotal</i>	<i>1.2</i>	<i>12.2</i>	<i>0.4</i>	<i>0.4</i>
Grand Total²	2.7	32.1	1.0	0.9
Mitigated Total³	1.7	26.3	0.5	0.4
BAAQMD Significance Thresholds	54	54	82	54
Threshold Exceeded?	No	No	No	No

NOTES:

- ¹ In order to calculate average daily emissions for each Project element individually, total emissions for each Project element were divided by the total number of construction workdays for each Project element (147 workdays for the Nursery Basin and 75 workdays for Downtown San Anselmo).
- ² In order to calculate total average daily emissions for both Project elements combined, total emissions for both Project elements were divided by the total number of construction workdays for the Nursery Basin (147 work days). This means that the sum of the average daily emissions for each Project element is not equal to the total average daily emissions for the Project as a whole. **Bold** values exceed the BAAQMD thresholds.
- ³ Although emissions would not exceed the BAAQMD's significance thresholds, the Project would result in a significant impact with regard to exposure of sensitive receptors to toxic air contaminants, as discussed in Impact 4.3-4. Because Mitigation Measure 4.3-4 to reduce toxic air contaminants would also reduce criteria pollutant emissions, mitigated emissions are presented here for informational purposes.

SOURCE: Appendix B.

construct the given element. It is assumed that each Project element would result in an average of 30 roundtrip worker trips per day, 2 to 142 roundtrip heavy truck trips per day for the Nursery Basin, and 1 to 34 roundtrip heavy truck trips per day for the Downtown San Anselmo work (including water truck trips). A summary of the estimated maximum average daily construction emissions delineated by Project element and emissions source that would be associated with the Project during construction (2019) is presented in Table 4.3-6. Refer to Appendix B for the calculation sheets that were used to estimate the maximum daily average emissions that would be associated with construction of the proposed Project.

As shown in Table 4.3-6, average daily construction equipment and vehicle exhaust emissions of NO_x would be approximately 32.1 pounds per day, which would not exceed the BAAQMD's significance threshold of 54 pounds per day. Therefore, there would not be a significant impact with respect to the potential to cause a violation of an ozone and/or NO₂ air quality standard, or contribute substantially to an existing or projected violation of an ozone and/or NO₂ air quality standard. Emissions of ROG, PM₁₀ exhaust, and PM_{2.5} exhaust would also not exceed the

BAAQMD's respective significance criteria; therefore, impacts associated with these pollutants would be less than significant.

In addition to exhaust emissions, emissions of fugitive dust would also be generated by construction activities associated with grading and earth disturbance, travel on paved and unpaved roads, etc. With regard to fugitive dust emissions, the BAAQMD Guidelines focus on implementation of recommended dust control measures rather than a quantitative comparison of estimated emissions to a significance threshold. For all projects, the BAAQMD recommends the implementation of its *Basic Control Mitigation Measures*. Therefore, implementation of the BAAQMD's fugitive dust Basic Control Measures, which are contained in **Mitigation Measure 4.3-1**, would reduce impacts associated with fugitive dust emissions.

The BAAQMD recommends but does not require that projects with estimated emissions that exceed the significance thresholds implement additional control measures. That list of the BAAQMD's Additional Construction Mitigation Measures is as follows:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimize the idling time of diesel powered construction equipment to 2 minutes.
10. Use low volatile organic compound (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
11. Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM10.
12. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

Mitigation Measure 4.3-1: BAAQMD Basic Construction Measures.

To limit dust, criteria pollutants, and precursor emissions associated with construction, the following BAAQMD-recommended Basic Construction Measures shall be implemented and included in all contract specifications for components constructed under the Project:

- 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per 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 15 mph.
- 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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 mechanic and determined to be running in proper condition prior to operation.
- 8) Post a publicly visible sign with the telephone number and person to contact at the Flood Control District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Significance after Mitigation: Mitigation Measure 4.3-1 would require the implementation of BAAQMD's Basic Construction Measures, which would reduce criteria pollutants to less-than-significant levels.

Impact 4.3-2: Construction of the Project would result in emissions that could conflict with the 2017 Clean Air Plan. (*Less than Significant*)

The Bay Area is currently designated as a nonattainment area for state and national ozone standards, state particulate matter (both PM₁₀ and PM_{2.5}) standards, and federal PM_{2.5} (24-hour) standard. The BAAQMD's 2017 Clean Air Plan – Spare the Air, Cool the Climate (2017 Clean Air Plan) is the applicable air quality plan that has been prepared to address ozone and particulate matter nonattainment as well and other issues, such as TAC and GHG emissions (BAAQMD, 2017c). The 2017 Clean Air Plan updates the BAAQMD's 2010 Clean Air Plan to comply with State air quality planning requirements.

The BAAQMD CEQA Guidelines recommends that a project's consistency with the current air quality plan be evaluated using the following three criteria: does the project (in this case, the Project) support the goals of the air quality plan; does the project include applicable control measures from the air quality plan; and would the project not disrupt or hinder implementation of any control measures from the air quality plan? If it can be concluded with substantial evidence that the answers to the three criteria are in the affirmative, then the BAAQMD considers the project to be consistent with air quality plans prepared for the Bay Area.

The primary goals of the 2017 Clean Air Plan are to attain air quality standards, reduce population exposure, and protect public health in the Bay Area, and reduce GHG emissions and protect the climate. The BAAQMD-recommended measure for determining if a project supports the goals in the current clean air plan is consistency with BAAQMD thresholds of significance. If project emissions would not exceed the thresholds of significance after the application of all feasible mitigation measures, the project would be consistent with the goals of the 2017 Clean Air Plan. As indicated in the discussion under Impact 4.3-1, the Project would result in pollutant emissions that would be less than the BAAQMD significance thresholds after implementation of **Mitigation Measures 4.3-1**. Therefore, the Project would be considered to support the primary goals of the 2017 Clean Air Plan.

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollution in the Bay Area. Projects that incorporate all feasible air quality plan control measures are considered consistent with the 2017 Clean Air Plan. The 2017 Clean Air Plan does not contain any measures specific to flood control activities and therefore, no inconsistency with the 2017 Clean Air Plan has been identified. With no specific control measures from the 2017 Clean Air Plan applicable to flood control and management programs, the Project would not be considered to hinder implementation of any of the 2017 Clean Air Plan control measures.

Mitigation Measure: Mitigation Measure 4.3-1 BAAQMD Basic Construction Measures.

Significance after Mitigation: With implementation of Mitigation Measure 4.3-1 (as part of Impact 4.3.1; see discussion above), the above-listed mitigation measures, the Project would not be in conflict with the 2017 Clean Air Plan. This impact would thus be *less than significant*.

Impact 4.3-3: Operational activities proposed under the Project would generate criteria pollutant emissions that would not exceed air quality standards and conflict with the 2017 Clean Air Plan. (*Less than Significant*)

As noted above for the Nursery Basin site, sediment may be removed at least annually from Fairfax Creek to maximize flood control effectiveness by maintaining the storage capacity in the channel. The removal would be done using a bulldozer. Approximately 290 cubic yards, requiring 33 truckloads, would be generated each day during sediment removal; about one week would be required to remove 1,600 cubic yards of sediment. EMFAC2017 emission factors were used to estimate criteria pollutant emissions from offsite heavy-duty truck and commuting worker vehicle

travel that would be associated with operational activities. The total number of loads as indicated above was multiplied by the CalEEMod default one-way trip length for haul trips (20 miles) to determine the total vehicle miles traveled.

As discussed above, operational activities associated with the Project would involve the use of diesel powered construction equipment, such as an excavator or bulldozer that would generate exhaust in the form of both criteria air pollutants and criteria air pollutant precursors. In addition, exhaust emissions would be generated from vehicle trips associated with sediment removal and commuting workers. These activities would also generate fugitive dust (including PM₁₀ and PM_{2.5}) during excavation and vehicle travel on both paved and unpaved surfaces.

Table 4.3-7 presents unmitigated operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5}, and compares these emissions to the BAAQMD operational thresholds. An exceedance of any one of these significance thresholds would indicate that the Project could result in an air quality standard being exceeded or contribute substantially to an existing or projected air quality violation. As shown in the table, no emissions would exceed the BAAQMD thresholds.

**TABLE 4.3-7
ESTIMATED AVERAGE DAILY AND AVERAGE ANNUAL OPERATIONAL EXHAUST EMISSIONS
(POUNDS/DAY AND TONS/YEAR)**

Project Element and Emissions Source	Average Daily Emissions (pounds per day) ¹				Average Annual Emissions (tons per year) ²			
	ROG	NO _x	PM ₁₀	PM _{2.5}	ROG	NO _x	PM ₁₀	PM _{2.5}
Nursery Site FDS Basin								
Off-Road Equipment	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
On-Road Trucks	<0.1	0.3	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Worker Trips	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
<i>Subtotal</i>	<i><0.1</i>	<i>0.3</i>	<i><0.1</i>	<i><0.1</i>	<i><0.1</i>	<i><0.1</i>	<i><0.1</i>	<i><0.1</i>
Downtown San Anselmo Section								
Off-Road Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
On-Road Trucks	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Worker Trips	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<i>Subtotal</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>	<i>0.0</i>
Grand Total	<0.1	0.3	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
BAAQMD Significance Thresholds	54	54	82	54	10	10	15	10
Threshold Exceeded?	No	No	No	No	No	No	No	No

NOTES:

¹ In order to calculate average daily emissions, total emissions during the six days of sediment removal were divided by the total number of days each year (365).

² Average annual emissions represent total emissions during the six days of sediment removal.

SOURCE: ESA, 2018. See Appendix B.

As shown in Table 4.3-7, average daily operational equipment and vehicle exhaust emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would not exceed the BAAQMD's significance thresholds. In addition to exhaust emissions, emissions of fugitive dust would also be generated by operational

activities associated with excavation and earth disturbance, travel on paved and unpaved roads, etc. As shown in the table, total PM₁₀ (exhaust and dust) would not exceed the BAAQMD's significance thresholds. Therefore, operational emissions would not result in an air quality standard being exceeded or contribute substantially to an existing or projected air quality violation. Consequently, this would constitute a less-than-significant impact.

Mitigation Measure: None required.

Impact 4.3-4: Construction of the Project could expose sensitive receptors to toxic air contaminants, including diesel particulate matter emissions. (*Less than Significant with Mitigation*)

Construction and operational activities associated with the Project would result in the short-term generation of DPM emissions from the use of off-road diesel equipment required to construct the proposed components, and from construction material deliveries and debris/spoils removal using on-road heavy-duty trucks. As discussed previously, DPM is a complex mixture of chemicals and particulate matter that has been identified by the State of California as a TAC with potential cancer and chronic non-cancer effects. The dose to which receptors are exposed is the primary factor affecting health risk from TACs. Dose is a function of the concentration of a substance (or substances) in the environment and the duration of exposure to the substance. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments (HRAs), which determine the lifetime exposure of sensitive receptors to TAC emissions, should be based on a 30-year exposure period when assessing TACs (such as DPM) that have only cancer or chronic non-cancer health effects. However, for short term activities such as construction, such HRAs should be limited to the duration of the emission-producing activities associated with the project, unless the activities occur for less than 6 months. Activities that would last more than 2 months, but less than 6 months, are recommended to be evaluated as if they would last for 6 months. OEHHA does not recommend conducting health risk assessments for projects that would last less than 2 months (OEHHA, 2015).

As noted earlier, construction activities associated with the Project would take place over a 7- to 8-month period. The BAAQMD has identified a distance of 1,000 feet from the source to the closest sensitive receptor locations within which community health risk thresholds would be applicable to gauge the significance of health risk-related impacts. Impacts are quantified for the maximum impacted sensitive receptors. The 1,000-foot radius used herein is a conservative metric to identify sensitive receptors in the vicinity of the Project Sites. It follows that the impact analysis examines existing baseline conditions and foreseeable future conditions. The BAAQMD considers projects that are estimated to result in a cancer risk of 10 in one million, a chronic or acute hazard index of 1.0, or an increase in ambient PM_{2.5} concentrations of 0.3 µg/m³ or greater annual average to be a significant health risk (BAAQMD, 2017a). The PM_{2.5} threshold for construction is applied to exhaust emissions only, and does not include concentrations of fugitive dust (BAAQMD, 2017a). Depending on the distance separating construction activities from the nearest sensitive receptors and the concentration of construction DPM and PM_{2.5} exhaust

emissions generated by the components of the Project, health risk impacts on sensitive receptors could be significant.

Construction of the proposed Project would occur in the vicinity (i.e., within 1,000 feet) of sensitive receptors for durations ranging from three to seven months. Therefore, a screening-level HRA using the USEPA AERSCREEN model and OEEHA guidance (2015) was conducted to estimate the maximum cancer risk resulting from exposure to DPM associated with construction of the Project. To estimate maximum average annual DPM concentrations, the DPM emission rates used in AERSCREEN for each Project element were based on the total PM₁₀ emissions resulting from Project construction for both off-road equipment and the portion of on-road trucks traveling near the receptors, as discussed above under Impact 4.3-1.

In order to calculate cancer risk associated with exposure to DPM, the average DPM concentration during the three to seven months of construction activities (depending on the element) must be estimated using AERSCREEN. AERSCREEN estimates maximum 1-hour concentrations; in order to estimate annual average concentrations for the HRA, a scaling factor of 0.1 was used (USEPA 2016b). In order to calculate maximum 1-hour concentrations, AERSCREEN assumes that emissions occur 24 hours per day, 365 days per year. Therefore, in order to estimate the actual concentrations to which sensitive receptors would be exposed to during the three to seven months of construction activities, a DPM emission rate was calculated to represent emissions occurring only during construction activities. To do this, total pounds of DPM for each Project element was divided by the total number of calendar for each element and 24 hours per day to determine average emissions in terms of grams per second for entry into AERSCREEN. These emission rates therefore assume emissions will occur 7 days per week, 24 hours per day over the entirety of the construction period for each Project element, in order to calculate annual average DPM concentrations for the cancer risk analysis.

In order to calculate annual average PM_{2.5} exhaust concentrations from construction, the average PM_{2.5} exhaust concentration during the entire year of 2019 must be estimated using AERSCREEN. To arrive at the appropriate annual average concentrations for the entire year of 2019, even though construction activities only occur for three to seven months during the year for each element, a PM_{2.5} exhaust emission rate during construction activities was calculated. To do this, total pounds of PM_{2.5} exhaust for each Project element was divided by the total number of calendar days for each element and 24 hours per calendar day to determine average emissions in terms of grams per second for entry into AERSCREEN. These emission rates therefore assume emissions would occur 7 days per week, 24 hours per day over the entirety of the construction period in order to calculate the 2019 annual average concentrations associated with construction.

The AERSCREEN model was run assuming a 3.89 meter emission release height and 1.4 meter initial vertical dimension (representing off-road equipment), an area source type with dimensions representing the construction site for each Project element (185 meters by 150 meters for the Nursery Basin site and 50 meters by 40 meters for the Downtown San Anselmo site), rural parameters for the Nursery Basin site and urban parameters for the Downtown San Anselmo site, a flagpole receptor height of 1.5 meters, and default AERSCREEN model inputs for other parameters.

Once average annual DPM concentrations were estimated using AERSCREEN, cancer risks were calculated using the latest guidance from OEHHA (2015) and BAAQMD (2016). Cancer risk as a result of exposure to DPM occurs exclusively through the inhalation pathway (OEHHA, 2015). Therefore, the screening-level HRA only evaluates cancer risks from inhalation and no other exposure pathways (e.g., dermal and ingestion pathways). Risk was calculated for nearby residents, daycares, and schools. Because child resident exposure assumptions are more conservative than those for adult residents, a conservative approach of considering all off-site receptors as initially child residents were used in this screening-level HRA. The exposure parameters used to estimate excess lifetime cancer risk for all potentially exposed populations for the HRA were obtained using risk assessment guidelines from OEHHA (2015) and BAAQMD (2016). The estimated excess lifetime cancer risks for children receptors (resident, daycare, and school) were adjusted using the ASFs recommended in the California Environmental Protection Agency (Cal/EPA) OEHHA Technical Support Document (Cal/EPA, 2009) and OEHHA guidance (2015). This approach accounts for an “anticipated special sensitivity to carcinogens” of infants and children. Cancer risk estimates are weighted by a factor of 10 for exposures that occur from the third trimester of pregnancy to 2 years of age and by a factor of three for exposures that occur from 2 years through 15 years of age. No weighting factor (i.e., an ASF equal to one, which is equivalent to no adjustment) is applied to ages 16 to 70 years. **Table 4.3-8** shows the ASFs to be used for all child receptors.

**TABLE 4.3-8
EXPOSURE PARAMETERS**

Exposure Parameter	Receptor Type and Age Group			
	Resident		Daycare	School
	3rd Trimester	Age 0<2 Years	Age 0<2 Years	Age 2<9 Years
Dose Factors				
Daily Breathing Rate (L/kg day or L/kg 8 hrs) ¹	361	1090	1200	640
Inhalation Absorption Factor (unitless)	1	1	1	1
Exposure Frequency (days/365 days) ²	0.96	0.96	0.68	0.49
Cancer Risk Factors				
Inhalation Cancer Potency Factor (mg/kg-day)	1.1	1.1	1.1	1.1
Age Sensitivity Factor (unitless)	10	10	10	10
Exposure Duration (years) ³ - Nursery Site FDS Basin	0.25	0.31	0.56	0.56
Exposure Duration (years) ³ - Downtown San Anselmo Section	0.25	0.03	0.28	0.28
Averaging Time (years)	70	70	70	70
Fraction of Time at Home (unitless) ⁴	1.0	1.0	1.0	1.0

NOTES:

- ¹ Daily breathing rates are from OEEHA (2015) based on BAAQMD guidance (2016) as follows: for child residents, 95th percentile 24-hour breathing rates (OEHHA Table 5.6) for 3rd trimester and age 0<2 years; for child daycare, 95th percentile 8-hour moderate intensity breathing rates (OEHHA Table 5.8) age 0<2 years; for school, 95th percentile 8-hour moderate intensity breathing rates (OEHHA Table 5.8) for age 2<9 years.
- ² Exposure frequency from BAAQMD, 2016.
- ³ Exposure duration represents 0.56 years (~7 months) for the Nursery Site FDS Basin and 0.28 years (~3.5 months) for the Downtown San Anselmo Section.
- ⁴ Fraction of time at home from OEHHA Table 8 (OEHHA, 2015). FAH factors equal to one (FAH = 1.0) for the following age groups: 3rd trimester to < 2 years and 2 to < 16 years per BAAQMD guidance (2016), because there may be schools within cancer risk isopleths of one in a million or greater.

SOURCES: OEHHA, 2015; BAAQMD, 2016.

Table 4.3-8 summarizes key age-specific factors used in the screening-level HRA based on OEHHA guidance. OEHHA recommends risk be analyzed for the following exposure durations (residency times): 30 years for the Maximally Exposed Individual Sensitive Receptor (MEISR) and 9 years for central tendency.⁸ The 9- and 30-year exposures are chosen to coincide with USEPA's estimates of the average (9 years) and high-end estimates (30 years) of residence time (OEHHA, 2015). Risk was calculated for all receptor types (resident, daycare, and school). In order to calculate the chronic hazard index; the chronic inhalation Reference Exposure Level (REL) for DPM of 5 µg/m³ was used (CARB, 2017e). Refer to Appendix B for the calculation sheets that show all assumptions used to estimate the cancer risk and chronic hazard index associated with construction of the proposed Project.

As discussed in Section 4.3.2 above, the nearest sensitive receptors to each Project element are single-family residences located immediately east and west to the Nursery Basin site and single-family residences located approximately 100 feet to the west of the Downtown San Anselmo site.

Unmitigated construction activities at these distances can result in moderate to high sensitive receptor exposure to DPM emissions, causing potentially significant health risk impacts.

Table 4.3-9 presents unmitigated cancer risk and the chronic hazard index associated with construction emissions of DPM, and compares these emissions to the BAAQMD thresholds.

Table 4.3-10 presents unmitigated PM_{2.5} exhaust concentrations associated with construction emissions, and compares these emissions to the BAAQMD thresholds. Refer to Appendix B for the calculation sheets that show all assumptions used to estimate the cancer risk and chronic hazard index that would be associated with construction of the proposed Project.

**TABLE 4.3-9
ESTIMATED CONSTRUCTION CANCER RISK AND CHRONIC HAZARD INDEX**

Project Element and Emissions Source	Maximum Cancer Risk (# in 1 million)			Chronic Hazard Index		
	Residential Receptor	Daycare Receptor	School Receptor	Residential Receptor	Daycare Receptor	School Receptor
Nursery Site FDS Basin						
Maximum Risk	34.6	n/a ¹	3.4	0.1	n/a ¹	<0.1
BAAQMD Significance Thresholds	10.0	10.0	10.0	1.0	1.0	1.0
Significant Impact?	Yes	No	No	No	No	No
Downtown San Anselmo Section						
Maximum Cancer Risk	18.0	2.1	0.3	0.2	<0.1	<0.1
BAAQMD Significance Thresholds	10.0	10.0	10.0	1.0	1.0	1.0
Threshold Exceeded?	Yes	No	No	No	No	No

NOTES:

¹ n/a = not applicable. There are no daycare receptors within 1,000 feet of the Nursery Site FDS Basin.

² **Bold** values exceed the BAAQMD thresholds.

SOURCE: ESA, 2018. See Appendix B.

⁸ "Central Tendency" exposure is an estimate of the average experienced by the affected population, based on the amount of agent present in the environment and the frequency and duration of exposure.

TABLE 4.3-10
ESTIMATED CONSTRUCTION ANNUAL AVERAGE PM_{2.5} EXHAUST CONCENTRATIONS

Project Element and Emissions Source	Annual Average PM _{2.5} Exhaust Concentrations (µg/m ³)		
	Residential Receptor	Daycare Receptor	School Receptor
<i>Nursery Site FDS Basin</i>			
PM _{2.5} Exhaust Concentrations	0.47	n/a ¹	0.36
BAAQMD Significance Threshold	0.30	0.30	0.30
Significant Impact?	Yes	No	Yes
<i>Downtown San Anselmo Section</i>			
PM _{2.5} Exhaust Concentrations	0.82	0.05	0.06
BAAQMD Significance Thresholds	0.30	0.30	0.30
Threshold Exceeded?	Yes	No	No

NOTES:

¹ n/a = not applicable. There are no daycare receptors within 1,000 feet of the Nursery Site FDS Basin.

² **Bold** values exceed the BAAQMD thresholds.

SOURCE: ESA, 2018. See Appendix B.

The construction activities within 1,000 feet of sensitive receptors that would pose the highest health risks would be at the Downtown San Anselmo Section site because work at this site is surrounded by residential sensitive receptors, with the nearest being located approximately 100 feet from the construction boundary. As shown in Table 4.3-9, cancer risk exceeds the BAAQMD threshold of 10.0 cancers per million individuals for both Project elements for residential receptors. The maximum cancer risk would be 34.6 chances per million for the Nursery Site FDS Basin and 18.0 chances per million for the Downtown San Anselmo Section, both of which exceed the BAAQMD's significance threshold of 10.0. Therefore, this would constitute a significant impact. The maximum chronic hazard index would be 0.1 for the Nursery Site FDS Basin and 0.2 for the Downtown San Anselmo Section, which would be less than the BAAQMD's significance threshold of 1.0. As shown in Table 4.3-10, the annual average PM_{2.5} exhaust concentrations exceed the BAAQMD threshold of 0.3 µg/m³ for both Project elements for residential receptors. The maximum annual average PM_{2.5} exhaust concentrations would be 0.47 µg/m³ for the Nursery Site FDS Basin and 0.82 µg/m³ for the Downtown San Anselmo Section, both of which exceed the BAAQMD's significance threshold of 0.3 µg/m³. Therefore, this would constitute a significant impact. The reason for the lower risk at the Nursery Basin site compared to the risk at the San Anselmo site, even though the residences near the Nursery Basin are close to the source of emissions, is because the Nursery Basin construction site would be larger than the San Anselmo construction site, which means that DPM is more thoroughly dispersed over a larger area before impacting nearby receptors. The San Anselmo construction site would be much smaller, which means that there would be less dispersion of DPM at the site, and downwind concentrations would be greater at nearby sensitive receptor locations.

Pursuant to implementation of **Mitigation Measure 4.3-4**, all off-road diesel-powered equipment (more than 25 horsepower) used for projects under the Project would be equipped with engines that achieve USEPA Tier 4 interim emissions standards. Mitigated emissions were estimated assuming that all off-road equipment would use Tier 4 interim engines, per CalEEMod. This

would reduce uncontrolled project-related DPM and PM_{2.5} exhaust emissions by 75-85 percent. **Table 4.3-11** presents a summary of the cancer risk and chronic hazard index associated with construction emissions of DPM with implementation of Mitigation Measure 4.3-4. **Table 4.3-12** presents a summary of the PM_{2.5} exhaust concentrations associated with construction emissions with implementation of Mitigation Measure 4.3-4. Refer to Appendix B for the calculation sheets that show all assumptions used to estimate the mitigated cancer risk and chronic hazard index that would be associated with construction of the proposed Project.

**TABLE 4.3-11
ESTIMATED MITIGATED CONSTRUCTION CANCER RISK AND CHRONIC HAZARD INDEX**

Project Element and Emissions Source	Maximum Cancer Risk (# in 1 million)			Chronic Hazard Index		
	Residential Receptor	Daycare Receptor	School Receptor	Residential Receptor	Daycare Receptor	School Receptor
Nursery Site FDS Basin						
Maximum Risk	6.6	n/a ¹	0.7	<0.1	n/a ¹	<0.1
BAAQMD Significance Thresholds	10	10	10	1	1	1
Significant Impact?	No	No	No	No	No	No
Downtown San Anselmo Section						
Maximum Cancer Risk	5.6	0.6	<0.1	<0.1	<0.1	<0.1
BAAQMD Significance Thresholds	10	10	10	1	1	1
Threshold Exceeded?	No	No	No	No	No	No

NOTES:

¹ n/a = not applicable. There are no daycare receptors within 1,000 feet of the Nursery Site FDS Basin

SOURCE: ESA, 2018. See Appendix B.

**TABLE 4.3-12
ESTIMATED MITIGATED CONSTRUCTION ANNUAL AVERAGE PM_{2.5} EXHAUST CONCENTRATIONS**

Project Element and Emissions Source	Annual Average PM _{2.5} Exhaust Concentrations (µg/m ³)		
	Residential Receptor	Daycare Receptor	School Receptor
Nursery Site FDS Basin			
PM _{2.5} Exhaust Concentrations	0.10	n/a ¹	0.08
BAAQMD Significance Threshold	0.30	0.30	0.30
Significant Impact?	No	No	No
Downtown San Anselmo Section			
PM _{2.5} Exhaust Concentrations	0.28	0.02	0.02
BAAQMD Significance Thresholds	0.30	0.30	0.30
Threshold Exceeded?	No	No	No

NOTES:

¹ n/a = not applicable. There are no daycare receptors within 1,000 feet of the Nursery Site FDS Basin.

SOURCE: ESA, 2018. See Appendix B.

Mitigation Measure 4.3-4: Tier 4 Engines for Construction Equipment.

All off-road equipment greater than 25 horsepower that operates for more than 20 total hours over the entire duration of construction activities shall have engines that meet the USEPA or CARB Tier 4 interim or Tier 4 Final off-road emission standards.

Significance after Mitigation: As shown in Table 4.3-11, with implementation of Mitigation Measure 4.3-4, the maximum cancer risk would be mitigated to approximately 6.6 chances per million for the Nursery Basin element and 5.6 chances per million for the Downtown San Anselmo element, which would be less than the BAAQMD's significance threshold of 10.0. The chronic hazard indices for both Project Elements would remain below the BAAQMD's significance threshold of 1.0 with mitigation. As shown in Table 4.3-12, maximum annual average PM_{2.5} exhaust concentrations would be mitigated to approximately 0.1 µg/m³ for the Nursery Basin and 0.28 µg/m³ for Downtown San Anselmo, which would be less than the BAAQMD's significance threshold of 0.3 µg/m³. Therefore, the significant impact with respect to the potential to expose sensitive receptors to TACs, including DPM emissions, would be reduced to a *less than significant* level with mitigation incorporated.

Impact 4.3-5: Construction of the Project would not result in objectionable odors. (*Less than Significant*)

Combustion emissions from the use of diesel fuel in construction equipment, as well as tar or asphalt used for any paving improvements, could generate localized objectionable odors. If sensitive receptors are located in the immediate vicinity of these activities, odors could be perceivable and constitute a nuisance impact. Construction of the proposed Project would take seven to eight months to complete and would take place within the construction hours specified by the applicable local ordinance. Construction equipment and paving activities would not be static, and on any given day may take place at different parts of the construction site, which would help to not expose any one set of receptors to odors over the entire duration of the construction period. Any objectionable odors generated by Project construction and operational activities and perceived by sensitive receptors would occur on a short-term basis, or would be intermittent. This would be a less-than-significant impact when sensitive receptors are present in the immediate vicinity.

Although this impact is already less than significant and no mitigation is necessary, the California Code of Regulations Section 2485 requirements, with more stringent BAAQMD idling-time limitations, have been incorporated into Mitigation Measures 4.3-1 (BAAQMD Basic Construction Measures) (see Impact 4.3-1, above, for description), which would further limit diesel odors generated by construction vehicles. Even if odors are temporarily perceivable by any receptors in the immediate vicinity, it is highly unlikely that a substantial number of people would be affected. Therefore, the Project's construction impacts related to objectionable odors would be less than significant.

Mitigation Measures: None required.

Impact 4.3-6: Construction and operation of the Project would result in GHG emissions that would not have a significant impact on the environment or conflict with applicable plans and policies in place to reduce GHG emissions. (*Less than Significant*)

Conflict with Applicable Plans and Policies

CARB's Climate Change Scoping Plan

In support of HSC Division 25.5, the State has promulgated specific laws aimed at GHG reductions applicable to the Project. The primary focus of many of the statewide and regional mandates, plans, policies and regulations is to address worldwide climate change. Due to the complex physical, chemical and atmospheric mechanisms involved in global climate change, there is no basis for concluding that the Project's less than significant increase in annual GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change. Newer construction materials and practices, energy efficiency requirements, and newer appliances tend to emit lower levels of air pollutant emissions, including GHGs, as compared to those built years ago; however, the net effect is difficult to quantify. The GHG emissions of the Project alone would not likely cause a direct physical change in the environment. According to CAPCOA, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective" (CAPCOA 2008). It is global GHG emissions in their aggregate that contribute to climate change, not any single source of GHG emissions alone.

Table 4.3-13, *Consistency with Applicable Greenhouse Gas Reduction Strategies*, contains a list of GHG-reducing strategies potentially applicable to the Project. The analysis describes the consistency of the Project with these strategies that support the State's strategies in the Climate Change Scoping Plan to reduce GHG emissions. The Climate Change Scoping Plan relies on a broad array of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based mechanisms such as the Cap-and-Trade program. As shown below, the Project would incorporate characteristics to reduce waste generation and reduce vehicle travel consistent with statewide strategies and regulations. As a result, the Project would not conflict with applicable Climate Change Scoping Plan strategies and regulations to reduce GHG emissions.

Furthermore, in addition to the Project's consistency with applicable GHG reduction strategies, the Project would not conflict with the future anticipated statewide GHG reductions goals. CARB has outlined a number of potential strategies for achieving the 2030 reduction target of 40 percent below 1990 levels. These potential strategies include renewable resources for half of the State's electricity by 2030, increasing the fuel economy of vehicles and the number of zero-emission or hybrid vehicles, reducing the rate of growth in VMT, supporting high-speed rail and other alternative transportation options, and use of high-efficiency appliances, water heaters, and heating, ventilation, and air conditioning (HVAC) systems (Energy + Environmental Economics 2015). The Project would benefit from statewide and utility-provider efforts towards increasing the portion of electricity provided from renewable resources. The Project would also benefit from statewide efforts towards increasing the fuel economy standards of vehicles. While CARB is in the process of developing a framework for the 2030 reduction target in the Scoping Plan, the Project would support or not impede implementation of these potential reduction strategies identified by CARB.

TABLE 4.3-13
CONSISTENCY WITH APPLICABLE GREENHOUSE GAS REDUCTION STRATEGIES

Sector / Source	Category / Description	Consistency Analysis
Energy		
California Renewables Portfolio Standard	Increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020.	Consistent. During operations, the Project would use electricity provided by Pacific Gas & Electric (PG&E), which has already achieved 33 percent renewables as of 2017.
California Renewables Portfolio Standard and SB 350	Increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020. SB 350 requires 50 percent by 2030.	Consistent. The Project would use electricity provided by PG&E, which is required to meet the 2050 performance standard.
Mobile Sources		
AB 1493 (Pavley Regulations)	Reduces GHG emissions in new passenger vehicles from model year 2012 through 2016 (Phase I) and model years 2017–2025 (Phase II). Also reduces gasoline consumption to a rate of 31 percent of 1990 gasoline consumption (and associated GHG emissions) by 2020.	Consistent. The Project would be consistent with this regulation and would not conflict with implementation of the vehicle emissions standards.
Low Carbon Fuel Standard (Executive Order S-01-07)	Establishes protocols for measuring life-cycle carbon intensity of transportation fuels and helps to establish use of alternative fuels.	Consistent. The Project would be consistent with this regulation and would not conflict with implementation of the transportation fuel standards.
Advanced Clean Cars Program	In 2012, CARB adopted the Advanced Clean Cars (ACC) program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC includes the Low-Emission Vehicle (LEV) regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years.	Consistent. The standards would apply to all vehicles used by construction workers and maintenance workers associated with the Project.
Solid Waste		
California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341	The IWMA mandated that state agencies develop and implement an integrated waste management plan which outlines the steps to be taken to divert at least 50 percent of their solid waste from disposal facilities. AB 341 directs CalRecycle to develop and adopt regulations for mandatory commercial recycling and sets a statewide goal for 75 percent disposal reduction by the year 2020.	Consistent. The Project would be served by a solid waste collection and recycling service that may include mixed waste processing, and that yields waste diversion results comparable to source separation and consistent with Citywide recycling targets.
Other Sources		
Climate Action Team	Reduce diesel-fueled commercial motor vehicle idling.	Consistent. The Project would be consistent with the CARB Air Toxics Control Measure to limit heavy duty diesel motor vehicle idling to no more than 5 minutes at any given time.
	Achieve California's 50 percent waste diversion mandate (Integrated Waste Management Act of 1989) to reduce GHG emissions associated with virgin material extraction.	Consistent. The Project would meet this requirement as part of its compliance with the County's and Town's requirements and the CALGreen Code.

SOURCE: ESA 2018.

Conflict with Executive Order B-30-15 or Executive Order S-3-05 Emissions Reduction Goals

As described in the *Greenhouse Gas Emissions* discussion above, the 1,100 metric tons CO₂e per year threshold can be used as a rough gauge to determine if the Project would be consistent with the goals identified in Executive Orders B-30-15 or S-3-05. As shown in Table 4.3-14 below, the GHG emissions associated with the proposed Project would not exceed the emissions significance threshold, which indicates that implementation of the Project would be consistent with the State's GHG emission reduction goals for years 2030 and 2050. Therefore, the Project would not conflict with Executive Orders B-30-15 or S-3-05 and the associated impact would be less than significant.

Conflict with Local GHG Reduction Plans and Policies

Though all the jurisdictions within the Project area; including Marin County, Town of San Anselmo, and the adjacent Town of Fairfax; have adopted climate action plans to reduce GHG emissions and meet the State's AB 32 goals (see section 4.3.3 *Regulatory Setting* above), none of the adopted plans contain any measures specific to flood control and management activities such as those proposed by the Flood Control District associated with the proposed Project. In addition, as an independent special district, the Flood Control District is not strictly required to comply with Marin County ordinances, plans, or policies or those of the towns within the County. However, the Flood Control District does endeavor to be consistent with those policies and ordinances whenever feasible.

The Marin County Countywide Plan and Climate Action Plan include a number of actions to reduce waste-related emissions from construction, increase the use of recycled materials used during construction, and reduce construction and demolition debris. These actions and policies include Implementing Program AIR-4.c (Reduce Methane Emissions Released from Waste Disposal), Implementing Program EN-3.c (Divert Construction Waste), Implementing Program EN-3.d (Encourage Fly Ash in Concrete), and Implementing Program PFS-4.b (Divert Construction Waste). Potentially relevant GHG-reduction policies in the Marin County Climate Action Plan 2014 Update include SP Waste-2 (Construction and Demolition Reuse and Recycling Ordinance). Similarly, the Town of San Anselmo's General Plan and Climate Action Plan include a number of actions to reduce GHG emissions from construction vehicles and reduce construction and demolition debris. Potentially relevant General Plan Policies for reduction of GHG emissions include conservation policy guidelines #1, #7, and #13. Potentially relevant GHG-reduction policies of the Town of San Anselmo Climate Action Plan include Waste Reduction, Recycling and Zero Waste recommended action #4 (require 50% construction and demolition waste diversion for construction projects).

Although the Flood Control District is not strictly required to comply with these actions and policies, the Flood Control District will do its best to ensure that activities during Project construction and operation will be consistent with these actions and policies. The Flood Control District would also make use of the existing construction & demolition infrastructure in the county, leading to consistency with the majority of the actions and policies listed above.

Construction GHG Emissions

For projects that are not stationary sources, such as those proposed under the Project, the BAAQMD CEQA Guidelines recommend use of an operational significance threshold of 1,100 metric tons per year of CO₂e (BAAQMD, 2017a). This threshold was developed with consideration of the AB 32 emission reduction goals. The BAAQMD has not adopted significance thresholds for construction-related GHG emissions; however, it requires that the lead agency disclose those emissions and make a determination of impacts in relation to meeting AB 32 reduction goals. For construction-related GHG emissions, other air districts (e.g., South Coast Air Quality Management District (SCAQMD)) have recommended that total emissions from construction be amortized over a period of 30 years (meant to represent the life of the project) and added to operational emissions and then compared to the operational significance threshold (SCAQMD, 2008).

GHG emissions would be generated primarily during Project construction activities from the use of heavy-duty off-road construction equipment and automobile and truck trips required to transport workers, materials, and debris to and from the Project sites. **Table 4.3-14** presents construction emissions generated by the proposed project.

TABLE 4.3-14
ESTIMATED TOTAL CONSTRUCTION AND OPERATIONAL GHG EMISSIONS (METRIC TONS CO₂e)

Project Element and Emissions Source	Total Annual Emissions (metric tons CO ₂ e per year)		
	Construction Emissions	Operational Emissions	Construction + Operational Emissions
<i>Nursery Basin</i>			
Off-Road Equipment	120.4	16.0	136.4
On-Road Trucks	281.6	12.9	294.5
Worker Trips	31.6	0.4	32.0
<i>Subtotal</i>	<i>433.6</i>	<i>29.3</i>	<i>462.9</i>
<i>Downtown San Anselmo</i>			
Off-Road Equipment	38.1	0.0	38.1
On-Road Trucks	65.8	0.0	65.8
Worker Trips	16.1	0.0	16.1
<i>Subtotal</i>	<i>120.0</i>	<i>0.0</i>	<i>120.0</i>
Grand Total	553.5	29.3	582.8
Total Emissions Amortized over 30 Years	18.5	29.3	47.8
BAAQMD Significance Threshold	1,100	1,100	1,100
Threshold Exceeded?	No	No	No

SOURCE: ESA, 2018. See Appendix B.

Operational GHG Emissions

As noted above, for projects that are not stationary sources, such as those proposed under the Project, the BAAQMD CEQA Guidelines recommend use of an operational significance threshold of 1,100 metric tons per year of CO₂e (BAAQMD, 2017a). GHG emissions during operations would be generated primarily from the occasional use of heavy-duty off-road

construction equipment (e.g. excavator, bulldozer), and automobile and truck trips associated with sediment removal and commuting workers at the Nursery Basin site. Table 4.3-14 presents operational emissions generated by the proposed project.

Total Construction and Operational Emissions

As shown in Table 4.3-14, GHG emissions generated by construction of the proposed Project would total approximately 554 metric tons CO₂e over the approximately 3-7 month construction period, which equates to a 30-year amortized annual average value of approximately 19 metric tons CO₂e (refer to the Approach to Analysis section above for additional information regarding the methods used to estimate the Project's short-term construction emissions and Appendix B for all assumptions associated with the GHG construction emissions). Also shown in Table 4.3-14, GHG emissions generated by operation of the proposed Project would total approximately 29 metric tons CO₂e over the approximately six days of sediment removal (refer to the Approach to Analysis section above for additional information regarding the methods used to estimate the Project's operational emissions and Appendix B for all assumptions associated with the GHG operational emissions).

Impact Conclusion

In summary, the GHG emissions analysis provided above and the Project's consistency with applicable regulatory plans and policies to reduce GHG emissions demonstrates that the Project would substantially comply with or exceed the GHG reduction actions and strategies outlined in CARB's Climate Change Scoping Plan (as shown in Table 4.3-13) and the State's GHG emission reduction goals for years 2030 and 2050 through Executive Order B-30-15 and Executive Order S-3-05. In addition, although not required, the Project would generally be consistent with the goals and policies of the general plans and climate action plans of Marin County, the Town of San Anselmo, and the Town of Fairfax.

As shown in Table 4.3-14, 30-year amortized construction GHG emissions that would be associated with the Project are approximately 19 metric tons CO₂e per year. These emissions would not exceed the 1,100 metric tons CO₂e per year significance threshold. Also shown in Table 4.3-14, annual average operational GHG emissions that would be associated with the Project are approximately 29 metric tons CO₂e per year. These emissions would also not exceed the 1,100 metric tons CO₂e per year significance threshold. Combined construction and operational annual emissions would be approximately 48 metric tons CO₂e, which would not exceed the 1,100 metric tons CO₂e per year significance threshold. This would therefore be a *less-than-significant* impact.

Mitigation Measures: None required.

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4.4 Energy, Mineral, Forest, and Agricultural Resources

This section evaluates the potential impacts of the San Anselmo Flood Risk Reduction Project (Project) on energy, mineral, forest, and agricultural resources. This section also provides an overview of the physical and regulatory setting that applies to energy, mineral, forest, and agricultural resources surrounding the Project sites and presents and discusses the potential Project impacts and appropriate mitigation measures, as necessary.

4.4.1 Environmental Setting

4.4.1.1 Energy Supply

California's major sources of energy are petroleum products (i.e., gasoline, diesel, and oil), electricity, and natural gas. The California Energy Commission (CEC) indicates that California crude resources in 2016 came from in-State (34.10 percent), Alaska (11.41 percent), and foreign sources (54.49 percent) (CEC, 2017a). In 2015, California's in-state energy generation plus net imports totaled 296,041 gigawatt hours. Energy generation by source included hydroelectric (5 percent), nuclear (6 percent), natural gas (40 percent), and renewable (15 percent), as well as coal and other imports (34 percent) (CEC, 2017b).

4.4.1.2 Mineral Resources

Eight sites within Marin County are designated by the State as having significant mineral resources and four additional sites are Marin County permitted resource sites (Marin County Community Development Agency, 2007). While the total value of remaining deposits in local quarries has not been determined, it is anticipated that construction activities requiring mined materials must transport these materials into the County from elsewhere (Marin County Community Development Agency, 2007). Based on review of Map 3-5 from the 2007 Marin Countywide Plan, there are no State of California Designated Mineral Resources Sites or Marin County permitted resource sites at either of the Project sites.

4.4.1.3 Forest Resources

Marin County, including Ross Valley, is widely known for its diverse natural beauty, including forested landscapes. While there is no timber production within Ross Valley, there is a mixture of forested vegetation that provides aesthetic, recreational and environmental benefits. Figure 4.5-2 (in Section 4.5, Biological Resources) shows that the Downtown San Anselmo site is mostly developed urban/suburban land, with ornamental and riparian vegetation surrounding the site. A majority of the vegetation at the former Sunnyside Nursery site has been removed leaving annual grassland and oak woodland and riparian vegetation on its margins. Though this site was once a commercial plant nursery, it was not timberland. The Project sites are not zoned for forest land or timberland uses. No national or state forest lands are mapped in the watershed. Section 4.4, Biological Resources, includes further discussion of the various vegetation communities at the

Project sites and in the watershed, and Section 4.14, Parks and Recreation, includes a discussion of the open space preserves and watershed lands that support forested landscapes.

4.4.1.4 Agricultural Resources

In Marin County, farms and ranches account for approximately 50 percent of the land, or 167,000 acres, with dairies and livestock ranches dominating (University of California Cooperative Extension, 2011). However, within the Towns of San Anselmo and Fairfax and the unincorporated areas around them, there are no zoned agricultural lands. The former Sunnyside Nursery site, which is located in unincorporated Marin County, is designated as commercial land.

4.4.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.4.2.1 Federal Regulations

No federal regulations pertaining to mineral or agricultural resources are applicable to land in the Project vicinity or for Project activities, as land affected by the Project is not in the public domain and the Project does not implement federal programs. Federal regulations related to energy use are described below.

National Energy Conservation Policy Act

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

National Energy Policy Act of 2005

The National Energy Policy Act of 2005 sets equipment energy efficiency standards and seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can attain federal tax credits for purchasing fuel-efficient appliances and products, including hybrid vehicles; constructing energy-efficient buildings; and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary microturbine power plants, and solar power equipment.

Executive Order 13423 (Strengthening Federal Environmental, Energy, and Transportation Management), signed in 2007, strengthens the key energy management goals for the federal government and sets more challenging goals than the Energy Policy Act of 2005. The energy reduction and environmental performance requirements of Executive Order 13423 were expanded upon in Executive Order 13514 (Federal Leadership in Environmental, Energy, and Economic Performance), signed in 2009.

4.4.2.2 State Regulations

California Energy Commission

The CEC was established by the Warren-Alquist Act in 1974 and is the State's primary energy policy and planning agency (CEC, 2015). The CEC has five major responsibilities: forecasting future energy needs and keeping historical energy data; licensing thermal power plants 50 megawatts or larger; promoting energy efficiency through appliance and building standards; developing energy technologies and supporting renewable energy; and planning for and directing state response to energy emergencies.

Administered by the CEC, the California Energy Action Plan (EAP) was adopted in 2003 and a second EAP was adopted by both the CEC and the California Public Utilities Commission (CPUC) in 2005 (CEC, 2017c). The EAP established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are achieved and provided through policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and taxpayers. Also, incorporated in the EAP are specific actions reflecting the importance of transportation fuels to California's economy and the need to mitigate the environmental impacts caused by their use, as well as the importance of taking actions in the near term to mitigate California's contributions to climate change from the electricity, natural gas, and transportation sectors. In 2008, the EAP was updated to expand on the State's actions in the context of global climate change and include the passage of Assembly Bill 32, the California Global Warming Solutions Act of 2006 (CEC, 2017c).

California Public Utilities Commission

The CPUC was established in 1911 as the Railroad Commission and was expanded in 1912 to regulate privately owned electric, natural gas, telecommunications, water, railroad, and marine transportation companies, including PG&E. The CPUC ensures that consumers receive safe and reliable utility services at reasonable rates, protects against fraud, and promotes the health of California's economy (CPUC, 2017).

California Independent System Operator

The California Independent System Operator was established in 1998 and is a non-profit organization that independently manages the flow of electricity in California. It provides open access to the grid, ensuring equal access and a competitive energy market. In addition, it facilitates over 28,000 market transactions each day to ensure that enough power is available to meet demands (California Independent System Operator, 2017).

CALGreen Building Code

The 2016 California Green Building Standards Code, as specified in Title 24, Part 11 of the California Code of Regulations, specifies building standards to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices. The provisions of this code apply to the planning, design, operation, construction,

replacement, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout California. A waste management plan may be necessary if the local jurisdiction does not have a construction and demolition waste management ordinance that is more stringent than the code (CALGreen, 2017).

Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act of 1975 was enacted to encourage the production, conservation, and protection of California's mineral resources (California Department of Conservation [DOC], 2016a). Together, the DOC's Office of Mine Reclamation and the State Mining and Geology Board oversee administration of the act's requirements. The State Mining and Geology Board designates areas of statewide or regional significance. As described above, eight sites in Marin County have been designated as having significant mineral resources.

California Farmland Conservancy Program

Administered by the DOC, the California Farmland Conservancy Program (CFCP) was established in 1996 to encourage the conservation of agricultural lands in perpetuity. The CFCP supports agricultural land conservation efforts by providing grant funding for local entities to purchase agricultural conservation easements. Agricultural conservation easements are voluntary legal agreements that permanently prohibit non-agricultural uses on land, while allowing the landowner to continue making agricultural management decisions on their land. Grant funds are made available to non-profit land trusts and local governments to purchase conservation easements from landowners. In addition, CFCP provides grants to local entities for planning and technical assistance associated with developing local and regional farmland conservation strategies. As of January 2015, CFCP funded over 175 conservation easements (DOC, 2016b).

Farmland Mapping and Monitoring Program and Important Farmland

Administered by DOC, the Farmland Mapping and Monitoring Program (FMMP) provides maps and statistical data for analyzing impacts to the state's agricultural resources (DOC, 2016c). Using existing land use data and Natural Resources Conservation Service soil survey data, FMMP compiles Important Farmland Maps. Important Farmland Maps include eight defined categories (DOC, 2016d):

1. **Prime Farmland** is farmland with the best combination of physical and chemical characteristics for long-term agricultural production and the soil quality, growing season, and moisture supply required to sustain high crop yields. This land has been used for irrigated agriculture at some point within the 4 years prior to mapping.
2. **Farmland of Statewide Importance** is farmland similar to Prime Farmland except that some conditions such as slopes or soil moisture have minor shortcomings. This land has been used for irrigated agriculture at some point within the 4 years prior to mapping.
3. **Unique Farmland** is farmland used for providing crops with high economic value, even though the land may have lesser quality soils. This land is typically irrigated, but may include non-irrigated crops. This land has been cropped at some point within the 4 years prior to mapping.

4. **Farmland of Local Importance** is farmland defined by each county's local advisory committee and adopted by its board of supervisors. Farmland of Local Importance either is currently producing or has the capability to produce, but does not meet the definition of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.
5. **Grazing Land** is land with existing vegetation that is suitable for livestock grazing.
6. **Urban and Built-up Lands** are lands not included in the other categories. This land is occupied by structures with a density of at least one dwelling unit per 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, and public utility structures, and for other developed purposes.
7. **Water** includes perennial water bodies with an extent of at least 40 acres.
8. **Other Lands** do not meet the criteria of the previous categories. Examples of other lands include low-density rural developments, vegetative and riparian areas not suitable for livestock grazing, confined-animal agriculture facilities, strip mines, borrow pits, water bodies smaller than 40 acres, and vacant and non-agricultural land surrounded on all sides by urban development and greater than 40 acres.

Farmland is defined in Appendix G (Environmental Checklist) of the State CEQA *Guidelines* as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.

Williamson Act

The California Land Conservation Act of 1965, referred to as the Williamson Act, is one of the state's primary agricultural land protection programs (DOC, 2016f). The law allows local governments to enter into contracts with private landowners to protect lands within agricultural preserves for agricultural and open space purposes for 10 to 20 years. Landowners agree to forego the possibility of development or conversion to non-agricultural or open space purposes and local governments forego a portion of its property taxes. In addition, from 1971 to 2009 the state paid an average of \$22.7 million a year to offset the differential tax rates (DOC, 2016f). State budget constraints have limited its ability to continue providing funding for subvention payments to local governments to offset the differential tax rates.

Farmland Security Zones were authorized by a 1998 amendment to the Williamson Act. Farmland Security Zone contracts are similar to Williamson Act contracts, except that they increase the duration and protection of Williamson Act contracts, and provide greater tax benefits to landowners. Farmland Security Zone contracts have a minimum initial term of 20 years that renew automatically each year. In addition, they provide an additional 35 percent tax benefit over the standard Williamson Act contract (DOC, 2016e).

Forest Land, Timberland, and the Forest Taxation Reform Act

Forest land is defined as land that can support 10-percent native tree cover and allows for management of forest resources including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits (PRC Section 12220(g)). Timberland is land that is not owned by the federal government and is a subset of forest land that is available for growing tree crops used to produce lumber and other forest products (PRC Section 4526). Timberland

Production Zones are areas zoned for growing and harvesting timber (California State Board of Equalization, 2012). The Forest Taxation Reform provides guidelines that allow cities to adopt Timberland Production Zones on qualifying timberland to protect those lands from incompatible uses.

4.4.2.3 Local Regulations

Marin Agricultural Land Trust

The Marin Agricultural Land Trust (MALT) is a non-profit organization established in 1980 to permanently protect agricultural land in Marin County for agricultural use (MALT, 2016). MALT protects working farms by purchasing agricultural conservation easements on farmland. To date, MALT has worked with over 80 farming families to protect farmland in perpetuity on more than 48,500 acres.

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan (Marin County Community Development Agency, 2007) are relevant to the Project.

Energy Efficiency

Goal EN-1.1: Adopt Energy Efficiency Standards.

Goal EN-1.4: Reduce Energy Use in County Facilities. Continue to integrate energy efficiency and conservation into all County functions.

Goal EN-2.2: Adopt Renewable Energy Building Standards. Integrate technically and financially feasible renewable energy requirements into development and building standards.

Goal EN-3.1: Initiate Green Building Initiatives. Encourage and over time increasingly require sustainable resource use and construction with non-toxic materials.

Goal EN-3.3: Incorporate Green Building in County Facilities. Integrate green building practices into all County facilities.

Mineral Resources

Policies

Policy MIN-1.1: Preserve Mineral Resource Sites. Protect State-designated Class 2 production sites from encroachment by temporary or permanent land uses that would inhibit timely mineral extraction to meet market demand.

Policy MIN-1.3: Buffer Extraction Areas and Incompatible Land Uses. Create sufficient buffers between designated mineral resource sites or potential extraction areas and uses incompatible with mining, such as housing.

Policy MIN-1.3: Buffer Extraction Areas and Incompatible Land Uses. Create sufficient buffers between designated mineral resource sites or potential extraction areas and uses incompatible with mining, such as housing.

Implementing Programs

Program MIN-1.1: Promote Alternative Materials and Conservation. Work with consumers of mined materials to reduce demand through use of alternative materials and by optimizing recycling of construction and demolition waste.

Agricultural Land Preservation

Goal AG-1.6: Limit Non-Agricultural Development. Limit non-agricultural development in the Agricultural Production Zone to residential and accessory uses that are ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and grouped together in building envelopes covering no more than 5 percent of the property or as determined through a site-specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Residential and non-agricultural development on very large parcels may be limited to less than 5 percent of the land area.

Goal AG-1.7: Limit Ancillary Non-Agricultural Land Uses. Require non-agricultural land uses on agricultural lands to be ancillary to and compatible with agricultural land uses, agricultural production, and the rural character of the area and to enhance the economic viability of agricultural operations.

Goal AG-1.8: Maintain the Agricultural Land Base. Encourage private and public owners of lands that have traditionally been used for agriculture to keep land in agricultural use by continuing existing agricultural uses, developing compatible new agricultural uses, and/or leasing lands to agricultural operators.

Goal CD-1.d: Maintain Agriculture in the Inland Rural Corridor. Work with individual landowners; special districts; local, state, and federal agencies; and private groups to ensure that rural character is preserved, agricultural operations remain viable in the Inland Rural Corridor, and sensitive resources and existing communities are not threatened.

Forestry

Goal DES-1.3: Encourage Sustainable Urban Forestry. Promote the use of sustainable urban forestry practices that address long-term forest management, public education, and outreach.

Town of San Anselmo

The Town of San Anselmo General Plan does not include any goals or policies related to management of the resources addressed in this section.

Town of Fairfax

While the Project is not within the limits of the Town of Fairfax, it is adjacent to the Town; for this reason, Town of Fairfax policies and goals are presented for informational purposes. The Town of Fairfax General Plan includes the following goal and policies related to management of the types of resources addressed in this section (Town of Fairfax, 2012).

Conservation

Objective CON-1.1: Integrate reduction of the use of non-renewable energy resources and [greenhouse gas] GHG emissions into planning for the Town of Fairfax.

Policy CON-1.1.3: Encourage green building techniques for all new and remodel construction within the Town of Fairfax.

Program CON-1.1.3.1: Develop and adopt a green building ordinance, requiring state-of-the-art, energy-efficient construction techniques for all new and remodel construction

Program CON-1.1.3.2: Provide and maintain links on the Town of Fairfax website to green building information and resources.

Policy CON-1.1.4: Participate in statewide and countywide efforts toward energy conservation, renewable energy generation and GHG reduction.

Program CON-1.1.4.1: Continue the Town's membership in the Marin Energy Authority, or if not, then in other alternatives allowing the choice of renewable energy sources by Fairfax businesses and residents.

Program CON-1.1.4.2: Support Marin County's Greenhouse Gas Reduction Plan by implementing all feasible GHG mitigation measures outlined therein.

Program CON-1.1.4.3: Participate in the Cities for Climate Protection Campaign, administered by ICLEI – Local Governments for Sustainability.

Program CON-1.1.4.4: As part of any traffic study, require GHG emission analysis, according to the (State) CEQA *Guidelines* developed by the Governor's Office of Planning and Research.

Program CON-1.1.4.5: Identify other national and local programs supporting energy conservation, renewable energy generation and GHG reduction, and participate in them as appropriate.

4.4.3 Impacts and Mitigation Measures

4.4.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP 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;
- f) 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
- g) 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.

Appendix F (Energy Conservation) and Appendix G (Environmental Checklist Form) of the State CEQA *Guidelines* do not list potential thresholds of significance for an evaluation of energy-related impacts. Therefore, for the purposes of this analysis, the following applicable thresholds of significance consistent with Appendix N of the County's Environmental Impact Review Guidelines (EIR Guidelines; Marin County, 1994), have been used to determine whether implementing the Project would result in a significant impact related to energy use. An impact related to energy resources is considered significant if implementation of the Project would do any of the following when compared against existing conditions:

- a) Utilize energy, oil, or natural gas in an inefficient manner
- b) Encourage activities that would result in the use of large amounts of energy, oil, or natural gas
- c) Exceed the capacity of the energy supplier to supply the project's energy needs with existing or planned supplies
- d) Require the development of new energy resources

Due to the nature of the Project, there would be no impacts related to the following criteria; therefore, no impact discussion is provided for the reasons described below:

1. ***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.*** Implementation of the Project would not convert any Farmland to non-agricultural use because neither of the Project sites is zoned for agriculture or used for agriculture, and neither is mapped as prime, unique, or statewide farmland.
2. ***Conflict with existing zoning for agricultural use, or a Williamson Act contract.*** Implementation of the Project would not conflict with existing zoning for agricultural use or any Williamson Act contracts because none of the Project sites is zoned for agricultural use and none includes land with a Williamson Act contract.
3. ***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)).*** Implementation of the Project would not conflict or cause rezoning of any forest land, timberland, or timberland zoned Timberland Production because none of the Project sites is on land zoned for these uses.

4. ***Result in the loss of forest land or conversion of forest land to non-forest use.*** As described above, the Project would not result in the loss of forest land or conversion of forest land to non-forest use.
5. ***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.*** The Project would not result in any other changes in the existing environment that could result in the conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use because neither of the Project sites is on Farmland or forest land.
6. ***Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.*** The Project would not change the availability of mineral resources because the Project sites do not contain any known mineral resource sites.
7. ***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.*** The Project would not change the availability of mineral resources because the Project sites do not contain any known mineral resource sites.

4.4.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in energy, mineral, forestry, and agricultural resource impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. Mitigation measures are identified, as necessary, to reduce significant impacts. The analysis considers the Project, Appendixes F and G of the State CEQA *Guidelines*, Appendix N of the County's EIR Guidelines, current conditions, and applicable regulations, plans and policies.

4.4.3.3 Impacts and Mitigation Measures

Impact 4.4-1: Implementation of the Project could use energy, oil, or natural gas in an inefficient manner; encourage activities that would result in the use of large amounts of energy, oil, or natural gas; result in the energy supplier not having the capacity to supply the Project's energy needs with existing or planned supplies; or require the development of new energy resources. (*Less than Significant with Mitigation*)

Implementation of the Project would require the use of energy resources for construction of the FDS basin at the former Sunnyside Nursery site (i.e., the Nursery Basin) and the Downtown San Anselmo Element to increase creek capacity. This energy use would primarily be in the form of petroleum products and electricity used to operate construction equipment and consumed during vehicle trips associated with material delivery/debris hauling and commuting workers. Indirect energy use would also occur and include the extraction, production, and transportation of goods and materials needed for construction. As described in Chapter 3, construction activities would be temporary and occur over a time period of four to six months for the Downtown San Anselmo Element, and six to eight months for the Nursery Basin. **Mitigation Measure 4.3-1, BAAQMD**

Basic Construction Mitigation Measures and BAAQMD's recommended Additional Construction Mitigation Measures (refer to Section 4.3, Air Quality and Greenhouse Gas Emissions), include measures (such as reducing vehicle and equipment engine idling times) that would reduce energy consumption and combustion of petroleum products by construction equipment.

Structure demolition would be subject to California Code of Regulations, Title 24, Part 11, 2016 California Green Building Code, effective January 1, 2017. This code requires that a minimum of 65 percent of non-hazardous construction and demolition waste is recycled and/or salvaged for reuse in an effort to divert debris from landfills. With implementation of the California Green Building Code standard requirements, impacts associated with Project energy use during construction would be less than significant.

Implementation of the Project would require the use of minimal energy resources for operation and maintenance of the Project elements. Maintenance of the Downtown San Anselmo Element would require minimal energy use and would likely be similar to existing creek maintenance activities. These activities would occur on an annual, or as-needed, basis. Energy use associated with operation and maintenance of the Nursery Basin would be similarly limited; activities such as using an excavator or backhoe to remove sediments deposited in the creek channel would occur just once or twice per year and would need less than a day of equipment use each time.

The energy used during maintenance would not result in a significant impact. Additionally, while the Project may involve the construction of ancillary structures for the Nursery Basin, the Project does not involve constructing buildings for human inhabitation, therefore no energy efficiency policies apply. For these reasons, energy impacts during Project operation would be less than significant.

Mitigation Measure 4.3-1: BAAQMD Basic Construction Mitigation Measures (refer to Impact 4.3-1 in Section 4.3.4.3)

Significance after Mitigation: Implementation of Mitigation Measures 4.3-1a and 4.3-1b would reduce construction equipment energy consumption and the impacts associated with the Project's use of energy to levels that would be less than significant.

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4.5 Biological Resources

This section presents and discusses the biological resources associated with the San Anselmo Flood Risk Reduction Project (Project) construction, implementation, and operation. It provides an overview of the natural and physical environment and the regulatory setting that apply to the biological resources within the Project sites. The section then presents and discusses the potential Project impacts on those resources and appropriate mitigation measures, as necessary.

4.5.1 Physical Setting

Marin County, and the Ross Valley in particular, is a complex landscape containing a wide range of vegetation communities, aquatic habitats, land covers, elevations, and interfaces between natural and built environments.

4.5.1.1 Regional Setting

Marin County is located between the Pacific Ocean and San Francisco Bay in California's Coast Range. Elevations range from sea level up to 2,572 feet at the summit of Mount Tamalpais. Approximately 50 percent of the land area in Marin County is under public management as parks, open space, conservation easements, and watershed lands. Most developed areas are in the eastern part of the county, between the San Francisco Bay and Mount Tamalpais. Natural community types in the county include mixed evergreen forest, oak woodland, pine forest, Douglas fir/redwood forest, grassland, coastal beach dune, northern coastal scrub, chaparral, coastal salt marsh, riparian, and freshwater marsh. These communities support a wide range of plant and animal species, including special-status species (Marin County, 2007).

Vegetation communities in Marin have been altered by agriculture, livestock grazing, timber operations, road building, and urban and suburban development beginning in the nineteenth century. Native perennial grasslands have been mostly replaced by non-native annual grassland, and invasive species now have widespread distribution. Marshlands have been filled and developed, and creeks narrowed, culverted, and incised. Urban and suburban development have contributed to considerable fragmentation of the remaining natural areas and limited the available floodplain for creek systems (Marin County, 2007).

4.5.1.2 Project Setting

The Project would take place at two locations. The Downtown San Anselmo Element would be in San Anselmo Creek in the Town of San Anselmo (Downtown San Anselmo site). The Nursery Basin Element would be on Fairfax Creek in unincorporated Marin County, just outside the border of the Town of Fairfax, at the former Sunnyside Nursery site (Nursery Basin site). Both are in the Corte Madera Creek (or Ross Valley) Watershed, a 28-square mile watershed in the southeast of Marin County, in the California Floristic Province. This province has a Mediterranean-type climate characterized by hot, dry summers and cool, wet winters that result in high levels of plant endemism (i.e., being unique to a defined geographic location).

Corte Madera Creek is the main stream in the watershed and drains into San Pablo Bay. San Anselmo Creek and Fairfax Creek are major tributaries draining the slopes in the western and northern portions of the watershed. These and other smaller creeks total over 44 linear miles of stream channels and are the sources of flooding that the Project seeks to address. Figure 3-10 (in Chapter 3, *Project Description*) shows the Project sites along San Anselmo and Fairfax Creeks.

The upper stream reaches of both San Anselmo Creek and Fairfax Creek support relatively natural stream channels and the lower and middle reaches support urban creek habitat. Near the Project sites, both creeks are channelized with narrow, incised banks, and there are roads, parks, residences and businesses along the banks. In downtown San Anselmo, some commercial buildings stretch over the creek channel. Pedestrian walkways, low bridges, and narrow culverts also occur in San Anselmo and Fairfax Creeks in the vicinity of the Project sites. All of these features result in flow constrictions that contribute to flooding. Downstream of the Project sites, San Anselmo Creek flows into Corte Madera Creek. Corte Madera Creek is confined to a concrete-lined channel for approximately 1 mile and flows through densely developed areas in the cities of Larkspur and Corte Madera and the Town of Ross and unincorporated areas of Kentfield and Greenbrae. There is minimal capacity to accommodate floodwaters in the lower reaches. Most developable portions of the watershed are already developed.

The riparian corridors associated with both creeks support a wide range of vegetation communities and habitat types, as well as terrestrial and aquatic wildlife species, including special-status species in the vicinity of the Project sites. The following subsections summarize the existing habitats and biological resources in the vicinity of the Project sites.

The total area of the Project footprint at the Nursery Basin site and at the Downtown San Anselmo site, as well as the breakdown of those total areas into different habitat types and communities is listed in **Table 4.5-1**. These habitat types are illustrated in **Figures 4.5-1** and **Figure 4.5-2**.

TABLE 4.5-1
PROJECT FOOTPRINTS AND HABITAT AREAS AT THE PROJECT SITES (ACRES)

Habitat Type	Nursery Basin Site ¹	Downtown San Anselmo Site
Aquatic	0.04	0
Riparian	1.02	0.14
Wetland	0.02	0
Oak Woodland	0.81	0
Ornamental / Developed	0.05	0.17
Annual Grassland	3.65	0
Total	5.59	0.31

NOTE:

¹ The Nursery Basin site is in a 7.7-acre parcel, portions of which would not be within the Project footprint.

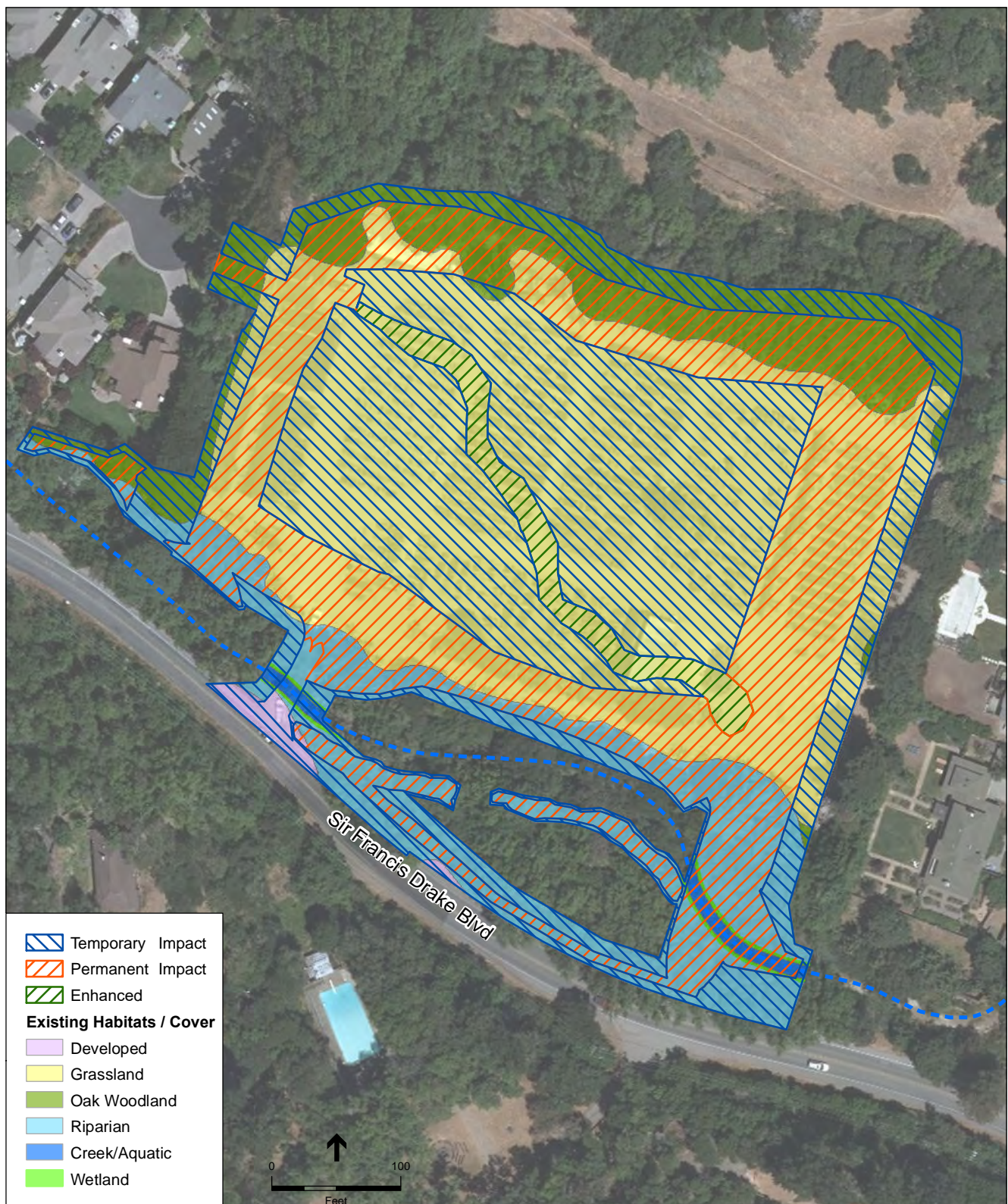
SOURCE: ESA 2018; based on CH2M's 2018 designs overlain on ESA's habitat mapping.



SOURCE: ESA, 2018

San Anselmo Flood Management Project . D211432.07

Figure 4.5-1
Habitats and Impacts at 634-636 San Anselmo Avenue
(Downtown San Anselmo Site)



SOURCE: ESA, 2018

San Anselmp Flood Management Project . D211432.07

Figure 4.5-2
Habitats and Impacts at the Nursery Basin Site

4.5.1.3 Vegetation Communities and Wetlands

Figure 4.5-1 and Figure 4.5-2 above show the existing vegetation communities at the Project sites. Vegetation communities are defined from Mayer and Laudenslayer, 1988. As seen, the two Project sites are located along the creeks, in the riparian zone, and in disturbed annual grasslands and ornamental vegetation. Oak woodland borders the grassland in Fairfax and redwood trees (*Sequoia sempervirens*) border Creek Park in San Anselmo. The upper parts of the watershed are dominated by oak-bay woodland and mixed-evergreen forests, including coast redwood and Douglas fir (*Pseudotsuga menziesii*). The northern and eastern ridges include forests along with grasslands, chaparral, and northern coastal scrub. There are also several areas of serpentine outcroppings, featuring specialized native grasses and wildflowers.

In the lower reaches of the watersheds, urban/suburban land uses dominate, but there are also areas of oak woodlands and broadleaved evergreen forests, including California bay (*Umbellularia californica*), coast live oak (*Quercus agrifolia*), tanoak (*Lithocarpus densiflorus*), and Pacific madrone (*Arbutus menziesii*), and fragments of coniferous forest.

Wetlands (including seasonal freshwater wetlands, vernal pools, seeps and springs) are areas periodically or permanently inundated by surface or groundwater and support vegetation adapted to life in saturated soil. Wetlands have high inherent value to fish and wildlife and the potential for stormwater storage, groundwater recharge, and maintenance of water quality. No wetlands have been identified to date at the Project sites (USFWS, 2017b); however, jurisdictional wetlands may be present along the edges of the creek channel.

A jurisdictional delineation would need to be conducted and submitted to the U.S. Army Corps of Engineers (USACE) for verification to determine the extent of impact on jurisdictional wetlands and other waters of the U.S. and to support associated permitting. In advance of that formal delineation, this analysis conservatively assumes that the streams themselves (Fairfax Creek, San Anselmo Creek, and other unnamed tributaries) are jurisdictional other (non-wetland) waters of the U.S. and that narrow bands of instream wetlands are present on both banks of the two major creeks in the Project areas.

Annual grassland

Scrub and disturbed grassland vegetation occurs in open portions of the former Sunnyside Nursery Basin site, and may include bush monkeyflower (*Mimulus aurantiacus*), coyote brush (*Baccharis pilularis*), toyon (*Heteromeles arbutifolia*), and poison oak. Native and introduced grasses and forbs are dominated by wild oat (*Avena* sp.), ripgut brome (*Bromus diandrus*), soft chess (*B. hordeaceus*), quaking grass (*Briza minor*), California fescue (*Festuca californica*), Idaho fescue (*Festuca idahoensis*), purple needlegrass (*Stipa pulchra*), dogtail (*Cynosurus echinatus*), brodiaea (*Brodiaea* sp.), iris (*Iris* sp.), filaree (*Erodium* sp.), vetch (*Vicia* sp.) soap plant (*Chlorogalum pomeridianum*), and California poppy (*Eschscholzia californica*). Introduced French broom (*Genista monspessulana*) and Scotch broom (*Cytisus scoparius*) have invaded many areas. Serpentine soils and rock outcrops in grasslands host native bunchgrasses and other native plant species that have been displaced by non-native plants in other grassland. Most

remaining natural communities are found in the higher portions of the watershed away from most development and are on publicly managed lands, such as parks and open space.

The flood diversion and storage (FDS) basin at the former Sunnyside Nursery (the Nursery Basin) includes annual grassland and ruderal vegetation (see Figure 4.5-2). Wildlife that use this habitat may include western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis catenifer catenifer*), California vole (*Microtus californicus*), bobcat (*Lynx rufus*), gray fox (*Urocyon cinereoargenteus*), coyote (*Canis latrans*), and American badger (*Taxidea taxus*). Many bird species are found here, including house finch (*Haemorhous mexicanus*) and American robin (*Turdus migratorius*), and raptors such as white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), and red-tailed hawk (*Buteo jamaicensis*) may forage here.

Coast oak woodland

Mixed oak and evergreen woodlands occur along valley bottoms and lower slopes in the Nursery Basin site and include both coast live oak, valley oak (*Quercus lobata*), California bay, California buckeye (*Aesculus californica*), California black oak (*Q. kelloggii*), bigleaf maple (*Acer macrophyllum*), madrone, and Douglas fir. This community can be found on the periphery of the Nursery Basin site. Understory species include broom, along with honeysuckle (*Lonicera hispidula*), California huckleberry, poison oak, western sword fern (*Polystichum munitum*), and California hazelnut (*Corylus cornuta* var. *californica*). The variety of trees and shrubs provide nesting habitat for many bird species, and acorns provide food for insects, larger birds and mammals. Typical wildlife includes several species of salamanders and newts, western fence lizard, Sierran treefrog (*Pseudacris sierra*), black-tailed deer (*Odocoileus hemionus*), great horned owl (*Bubo virginianus*), acorn woodpecker (*Melanerpes formicivorus*), western scrub jay (*Aphelocoma californica*), and striped skunk (*Mephitis mephitis*), as well as raptors, including Cooper's hawk and merlin, and bats such as pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*) and fringed myotis (*Myotis thysanodes*).

Valley foothill riparian

Valley foothill riparian habitat develops in the floodplains of streams, forming a transitional community between the aquatic and dry upland habitats. Dominant tree species include valley oak, California bay, California buckeye, and red alder (*Alnus rubra*). Common native understory species at the Project sites include California blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), and sword fern. Common non-native species include English ivy (*Hedera helix*), poison hemlock (*Conium maculatum*), Himalayan blackberry (*Rubus armeniacus*), and bull thistle (*Cirsium vulgare*). The diversity of habitats, corridor resources, abundant food, and available water, make riparian areas especially valuable to wildlife. Typical species may include western scrub jay, Wilson's warbler (*Cardellina pusilla*), California slender salamander (*Batrachoseps attenuatus*), and Sierran treefrog. Riparian habitat is found along both San Anselmo and Fairfax Creeks at the Project sites (refer to Figure 4.5-1 and Figure 4.5-2).

Coniferous forest

Most forests along the creeks have been fragmented by roads and urban development, but in the upper reaches of the watershed substantial forestlands and woodland habitat remain. This habitat type is dominated by Douglas fir or coast redwood, tall, long-lived conifer species. It is commonly associated with coast live oak, California bay, canyon live oak (*Quercus chrysolepis*), tanoak, and Pacific madrone trees. This habitat type is found in moist coastal areas with heavy summer fog and in sheltered, moist locations along streams, canyons, and with seeps and springs, including in isolated fragments near Fairfax and San Anselmo creeks, in the vicinity of the Project sites. The sparse understory includes California huckleberry (*Vaccinium ovatum*), sword fern, and redwood sorrel (*Oxalis oregana*). The moist environment in the forest supports many amphibians. Typical animals found in redwood or Douglas fir forest include California slender salamander, gray fox, western gray squirrel (*Sciurus griseus*), great horned owl, and Steller's jay (*Cyanocitta stelleri*). Special-status species potentially occurring in this habitat include sharp-shinned hawk (*Accipiter striatus*), California giant salamander (*Dicamptodon ensatus*) and Santa Cruz black salamander (*Aneides niger*). The federally and state-listed threatened northern spotted owl (*Strix occidentalis*) nests in these woodlands on the slopes of Mount Tamalpais, but is not expected to nest in the developed lowlands of either Project site. This habitat type is located outside the Nursery Basin site.

The Project sites also contain ornamental vegetation (the lawn in Creek Park in San Anselmo), and developed areas, as shown on Figure 4.5-1.

4.5.1.4 Fish and Wildlife

Fish

San Anselmo Creek, Fairfax Creek, and their tributaries in the Corte Madera Creek Watershed support fish including California roach (*Hesperoleucus symmetricus*), Sacramento pikeminnow (*Ptychocheilus grandis*), Sacramento sucker (*Catostomus occidentalis*), Pacific lamprey (*Entosphenus tridentatus*), riffle sculpin (*Cottus gulosus*), and prickly sculpin (*Cottus asper*). Lower, tidally-influenced portions of the watershed also support three-spine stickleback (*Gasterosteus aculeatus*), longjaw mudsucker (*Gillichthys mirabilis*), starry flounder (*Platichthys stellatus*), staghorn sculpin (*Leptocottus armatus*), and other species associated with San Francisco Bay.

Historically, Corte Madera Creek Watershed supported Coho salmon (*Oncorhynchus kisutch*), with the last sighting in 1984 (Leidy et al., 2005). The Corte Madera Creek Watershed supports a central California Coast steelhead trout (*Oncorhynchus mykiss*) run, with San Anselmo and Cascade creeks supporting spawning and rearing habitat. Fish passage barriers (bedrock outcropping) on Fairfax Creek block steelhead from habitat in upper Fairfax Creek (Leidy et al., 2005).

Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*) have also been reported in Corte Madera Creek and presumably are strays from San Pablo Bay. Historically, the lower watershed also supported tidewater goby (*Eucyclogobius newberryi*), Sacramento perch

(*Archoplites interruptus*), and tule perch (*Hysterocarpus traskii*); which are now extirpated (Leidy, 2007). Introduced fish species include rainwater killifish (*Lucania parva*), western mosquitofish (*Gambusia affinis*), black crappie (*Pomoxis nigromaculatus*), and common carp (*Cyprinus carpio*) (Leidy, 2007).

Amphibious, Terrestrial, and Avian Wildlife

Streams and adjacent forested woodlands in the Project area support amphibious species such as the California newt (*Taricha torosa*) and California giant salamander (*Dicamptodon ensatus*). The adjoining woodlands, forests and grasslands also support arboreal salamander (*Aneides lugubris*), California slender salamander, yellow-eyed salamander (*Ensatina eschscholtzii xanthoptica*), and Sierran treefrog. Reptiles in the Project area may include western fence lizard, Pacific gopher snake, western diamondback rattlesnake (*Crotalus atrox*), ringneck snake (*Diadophis punctatus*), sharp-tailed snake (*Contia tenuis*), and California kingsnake (*Lampropeltis californiae*), among others. Migratory and resident bird species including tree swallow (*Tachycineta bicolor*), American robin, dark-eyed junco (*Junco hyemalis*), Western scrub jay, Wilson's warbler, Pacific-slope flycatcher (*Empidonax difficilis*), and Anna's hummingbird (*Calypte anna*) nest and forage in the Project area and within the riparian forests at the Project sites. Mammal species using the Project sites include coyote, raccoon (*Procyon lotor*), western gray squirrel and striped skunk.

4.5.1.5 Special-Status Species

Special-status species are plants and animals that are legally protected under the federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA), or other regulations or policies such as the California Fish and Game Code, the Migratory Bird Treaty Act (MBTA), California Species of Special Concern, plants identified as rare by the California Native Plant Society (CNPS), and others. More information on these regulations and the agencies that implement their protections is provided in Section 4.5.2, *Regulatory Setting*.

The Ross Valley region supports many special-status species. Updated database searches of the California Natural Diversity Database (CNDDDB), the CNPS California Rare Plant Ranking (CRPR), the U.S. Fish and Wildlife Service (USFWS) species list generator, and the USFWS National Wetland Inventory list and the Point Blue Northern Spotted Owl Surveys, were used to generate lists of special-status species, designated critical habitats¹, and sensitive or otherwise protected habitats in the Project sites. **Table 4.5-2** presents the results of those database and records searches.

¹ **Critical habitat** is defined by USFWS as the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection.

**TABLE 4.5-2
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES**

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Invertebrates			
San Bruno elfin butterfly (<i>Callophrys mossii bayensis</i>)	FE/--	Coastal, mountainous areas with grassy ground cover, mainly in the vicinity of San Bruno Mountain, San Mateo County. Colonies are on steep, north-facing slopes within the fog belt. Larval host plant is <i>Sedum spathulifolium</i> .	Low. Project sites outside species' known distribution.
Callippe silverspot butterfly (<i>Speyeria callippe callippe</i>)	FE/--	Host plant is <i>Viola pedunculata</i> . Most adults found on East-facing slopes; males congregate on hilltops in search of females.	Low. Suitable habitat not found in Project sites.
California freshwater shrimp (<i>Syncais pacifica</i>)	FE/SE	Shallow pools away from main streamflow. Winter: undercut banks with exposed roots. Summer: leafy branches touching water.	Low. Suitable habitat not found in Project sites.
Amphibians			
California giant salamander (<i>Dicamptodon ensatus</i>)	--/SSC	Vernal or temporary pools in annual grasslands, or open stages of woodlands. Typically adults use mammal burrows.	Low. Local occurrences are historical; however, could occur in wet forests under rocks and logs near streams and lakes.
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC	Streams, freshwater pools, and ponds with overhanging vegetation. Also found in woods adjacent to streams. Requires permanent or ephemeral water sources such as reservoirs and slow moving streams and needs pools of >0.5 m depth for breeding.	Low to Moderate. Present in Marin County, but in Corte Madera Creek, breeding habitat is limited by high winter flows and the absence of suitable vegetated ponds or backwaters. May disperse through the Project sites.
Foothill yellow-legged frog (<i>Rana boylei</i>)	--/SSC	Partly-shaded, shallow streams & riffles with a rocky substrate in a variety of habitats; requires at least some cobble-sized substrate for egg-laying.	Low. Project sites on periphery of species occurrence and suitable habitat is lacking due to channel modifications and development. Species may migrate through Project sites.
Fish			
Tidewater goby (<i>Eucyclogobius newberryi</i>)	FE/SSC	Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water & high oxygen levels	Absent. Presumed extirpated from Corte Madera Creek Watershed. Suitable habitat not found in Project sites
Coho salmon – central California coast ESA (<i>Oncorhynchus kisutch</i>)	FE/SE	The Sacramento-San Joaquin River Delta, including the entire Delta, Suisun Bay, and five sloughs. Require beds of loose, silt-free, coarse gravel for spawning. Also need cover, cool water & sufficient dissolved oxygen.	Absent. Species was last recorded in Corte Madera creek in 1984.
Chinook salmon – Central Valley fall run (<i>Oncorhynchus tshawytscha</i>)	--/SSC	Migrate through San Pablo Bay from spawning grounds in Central Valley rivers. Require beds of loose, silt-free, coarse gravel for spawning. Also need cover, cool water & sufficient dissolved oxygen.	Low. Occasional Chinook have been identified in Corte Madera Creek, presumably straying from San Pablo Bay but there is no extant run in the watershed.
Steelhead – central California Coast DPS (<i>Oncorhynchus mykiss</i>)	FT/--	Aquatic streams and drainages.	Present. Known to use Corte Madera Creek tributaries to spawn in the shallow streams. Critical habitat in the watershed.
Tomales roach (<i>Lavinia symmetricus</i> ssp.)	--/SSC	Aquatic streams and drainages.	Low. Suitable habitat not found in the Project sites.
Longfin smelt (<i>Spirinchus thaleichthys</i>)	FC/ST	Euryhaline, nektonic & anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Low. May occasionally use Corte Madera Creek tributaries to spawn in the shallow streams.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Reptiles			
Western pond turtle (<i>Actinemys marmorata</i>)	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation <6,000' in elevation. Require basking sites and upland habitat for egg laying (sandy banks and open, grassy fields)	High. Breeding habitat (undisturbed upland habitat adjacent to waterways) is limited in the watershed, but adult turtles may use non-breeding aquatic habitat along both creeks to disperse through the Project sites. Population in Phoenix Lake in Ross downstream of the Project area.
Birds			
Short-eared owl (<i>Asio flammeus</i>)	--/SSC	Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Low. Suitable open habitat is fragmented in the Project sites due to roads and dense development.
Northern spotted owl (<i>Strix occidentalis caurina</i>)	FT/ST	In California, the northern spotted owl inhabits a mix of old and younger forests, featuring dense canopy closure of mature trees, abundant logs, standing snags, and live trees with broken tops.	Moderate. Northern spotted owl activity centers are present on the slope of Mt. Tamalpais and along tributaries including Ross Creek 0.25 miles away.
Burrowing owl (<i>Athene cunicularia</i>)	--/SSC	Nests and forages in low-growing grasslands with burrowing mammals.	Low. Project sites grasslands are too disturbed to provide suitable habitat. Species occurrences are documented north of the Project sites.
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	FT/SSC	Sandy beaches, salt pond levees & shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Low. Suitable sandy, gravelly soil habitat not found in the Project sites.
Northern harrier (<i>Circus cyaneus</i>)	--/SSC	Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	Low. May forage over Corte Madera marsh, but Project sites lack suitable habitat. Nearest breeding CNDDB occurrence in Wildcat Marsh in Richmond, is 6 miles east of the Project sites.
White-tailed kite (<i>Elanus leucurus</i>)	--/CFP	Nests in shrubs and trees adjacent to grasslands, forages over grasslands and agricultural lands	Low. Suitable open grassland habitat is limited in the Project sites.
American peregrine falcon (<i>Falco peregrinus anatum</i>)	BCC/CFP	Nest consists of a scrape or a depression on rock, cliff or building ledge over an open site.	Low. Suitable foraging habitat in the Project sites, but nesting habitat is not present.
California black rail (<i>Laterallus jamaicensis</i>)	BCC/ST/CFP	Found in salt, brackish and freshwater marsh with dense vegetation for nesting habitat.	Low. Marsh habitat lacking in the Project sites.
Bank swallow (<i>Riparia riparia</i>)	--/ST	Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Low. Suitable habitat not found in the Project sites.
Saltmarsh common yellowthroat (<i>Geothlypis trichas sinuosa</i>)	BCC/SSC	Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Low. Marsh habitat lacking in the Project sites.
Alameda song sparrow (<i>Melospiza melodia pusillula</i>)	BCC/SSC	Salt marshes. Inhabits <i>Salicornia</i> marshes; nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in <i>Salicornia</i> .	Low. Marsh habitat lacking in the Project sites.
San Pablo song sparrow (<i>Melospiza melodia samuelis</i>)	BCC/SSC	Inhabits tidal sloughs in the <i>Salicornia</i> marshes; nests in <i>Grindelia</i> bordering slough channels.	Low. Marsh habitat lacking in the Project sites.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Birds (cont.)			
Ridgway's rail [California clapper rail] (<i>Rallus obsoletus</i>)	FE/SE/CFP	Found in salt and brackish marsh with well-defined tidal channels and dense growth of pickleweed; feeds on invertebrates in mud-bottomed sloughs.	Low. Marsh habitat lacking in the Project sites.
Mammals			
Pallid bat (<i>Antrozous pallidus</i>)	--/SSC	Grasslands, shrublands, woodlands, and forests. Common in arid regions with rocky outcroppings, particularly near water. Roosts in rock crevices, buildings, and under bridges. Very sensitive to disturbance.	Moderate. Although local occurrence is historical, suitable habitat is present in Project sites.
Hoary bat (<i>Lasiurus cinereus</i>)	--/--/ WBWG Medium	Prefers open habitats or habitat mosaics, with access to trees for cover & open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Moderate. Roosting habitat present near the aquatic features of the Project sites.
Western red bat (<i>Lasiurus blossevillii</i>)	WBWG High	Roosts primarily in trees, 2-40 ft aboveground, from sea level up through mixed conifer forests. Prefers habitat edges & mosaics with trees that are protected from above & open below with open areas for foraging.	Low. Habitat is not present within the Project sites.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	--/SSC	Herbaceous, shrub, and open stages of most habitats with dry, friable soils.	Low. Habitat is not present within the Project sites.
Point Reyes mountain beaver (<i>Aplodontia rufa phea</i>)	--/SSC	Coastal area of Point Reyes in areas of springs or seepages. North-facing slopes of hills & gullies in areas overgrown with sword ferns and thimbleberries.	Absent. Project sites are outside of species' known range.
San Pablo vole (<i>Microtus californicus sanpabloensis</i>)	--/SSC	Constructs burrow in soft soil. Feeds on grasses, sedges and herbs. Forms a network of runways leading from the burrow	Absent. Habitat is not present within the Project sites.
Saltmarsh harvest mouse (<i>Reithrodontomys raviventris</i>)	FE/SE/CFP	Pickleweed is primary habitat, but may occur in other marsh vegetation types and in adjacent upland areas. Does not burrow, builds loosely organized nests. Requires higher areas for flood escape.	Low. Marsh habitat lacking in the Project sites.
Salt-marsh wandering shrew (<i>Sorex vagrans halicoetes</i>)	--/SSC	Medium high marsh 6-8 ft above sea level where abundant driftwood is scattered among <i>Salicornia</i> .	Low. Marsh habitat lacking in the Project sites.
American badger (<i>Taxidea taxus</i>)	--/SSC	Herbaceous, shrub, and open stages of most habitats with dry, friable soils.	Low. Suitable open habitat lacking in the Project sites, which are highly disturbed.
Point Reyes jumping mouse (<i>Zapus trinotatus orarius</i>)	--/SSC	Primarily in bunch grass marshes on the uplands of Point Reyes. Also present in coastal scrub, grassland, and meadows.	Absent. Suitable coastal scrub or meadow habitat not found in the Project sites.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants			
Sonoma alopecurus (<i>Alopecurus aequalis</i> var. <i>sonomensis</i>)	FE/--/1B.1	Wet areas, marshes, and riparian banks, with other wetland species. May - July. 5-360m	Low. Project sites outside species' known distribution.
Napa false indigo (<i>Amorpha californica</i> var. <i>napensis</i>)	--/--/1B.2	Observations recorded in Monterey County and San Francisco Bay Area. Broadleafed upland forest, chaparral, or cismontane woodland. Perennial deciduous shrub. April - July. 30 – 735m	Moderate. Recent occurrences documented in openings in forest, woodland, or chaparral in the vicinity of Project sites.
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	--/--/1B.2	Observed in Marin County in cismontane woodland, valley and foothill grassland, or coastal bluff scrub. March - June. 3 – 500m	Low. Project sites are outside species' known distribution.
Franciscan manzanita (<i>Arctostaphylos franciscana</i>)	FE/--/1B.1	Serpentine outcrops in chaparral. February - April. 30 – 215m	Low. Project sites are outside species' known distribution.
Mt. Tamalpais manzanita (<i>Arctostaphylos montana</i> ssp. <i>montana</i>)	--/--/1B.3	Observations recorded in Marin and Humboldt County. Chaparral, valley and foothill grassland. Perennial evergreen shrub. February - April. 150 – 680m	Low. Recent occurrences documented on serpentine slopes, but suitable habitat is lacking in the Project sites.
Presidio manzanita (<i>Arctostaphylos montana</i> ssp. <i>ravenii</i>)	FE/SE/1B.1	Chaparral, coastal prairie, and coastal scrub in open and rocky serpentine slopes. February - March. 45 – 215m	Low. Project sites outside of species' known range.
Marin manzanita (<i>Arctostaphylos virgata</i>)	--/--/1B.2	Chaparral, mixed evergreen forest, redwood forest, closed-cone pine forest in Marin County on sandstone or granite. Perennial evergreen shrub. Endemic to CA. January - March. 1-800m	Low. Local occurrences documented in western portion of Ross Valley, but suitable habitat is lacking in the Project sites.
Coastal marsh milk-vetch (<i>Astragalus pycnostachyus</i> var. <i>pycnostachyus</i>)	--/--/1B.2	Coastal dunes, marshes and swamps, and coastal scrub in mesic sites in dunes or along streams or coastal marshes. April - October. 0-155m	Absent. Possibly extirpated. Project sites outside species' known distribution.
Alkali-milk vetch (<i>Astragalus tener</i> var. <i>tener</i>)	--/--/1B.2	Alkali playa and flats, valley, annual, and foothill grassland, vernal pools, low ground, and flooded lands. March – June. 1-170 m.	Absent. Possibly extirpated. Project sites outside species' known distribution.
Thurber's reed grass (<i>Calamagrostis crassiglumis</i>)	--/--/2B.1	Freshwater wetlands, wetland-riparian. Perennial rhizomatous herb May - August. 10-60m	Low. Local occurrence is historical and freshwater marsh habitat is limited in the Project sites.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants (cont.)			
Tiburon mariposa –lily (<i>Calochortus tiburonensis</i>)	--/--/1B.1	Valley and foothill grassland on open, rocky, slopes in serpentine grassland. March – June. 50-150m	Absent. Endemic to Ring Mtn. Preserve on the Tiburon Peninsula.
Seaside bittercress (<i>Caramine angulate</i>)	--/--/2B.1	Wet areas, streambanks. January – July. 90-155 m.	Absent. Species is likely extirpated from Marin
Bristly sedge (<i>Carex comosa</i>)	--/--/2B.1	Lake margins, wet places; site below sea level is on a Delta island. May-September -5-1620 m.	Absent. Local occurrence is historical and Project sites outside species' known distribution.
Northern meadow sedge (<i>Carex praticola</i>)	--/--/2B.2	Moist to wet meadows. May – July. 0-3200m	Low. Project sites outside species' known distribution.
Tiburon paintbrush (<i>Castilleja affinis</i> var. <i>neglecta</i>)	FE/ST/1B.2	Open serpentine grassland slopes. April – June. 60-400m	Low. Project sites outside species' known distribution.
Nicasio ceanothus (<i>Ceanothus decornutus</i>)	--/--/1B.2	Maritime chaparral; serpentinite, rocky, sometimes clay. March – May. 235-290 m.	Low. Project sites outside species' known distribution.
Mason's ceanothus (<i>Ceanothus masonii</i>)	--/ /1B.2	Serpentine ridges or slopes in chaparral or transition zone. March – April. 180-460 m.	Low. Known occurrences west of Project sites, but suitable habitat is limited.
Point Reyes bird's-beak (<i>Chloropyron maritimum</i> ssp. <i>palustre</i>)	--/--/1B.2	A number of observations have been recorded in the San Francisco Bay Area in the South Bay, East Bay, and North Bay with observations recorded as far south as San Luis Obispo County, as well as to the north in Humboldt County. Coastal salt marsh, wetland-riparian. Annual herb (hemiparasitic).	Low. Marsh habitat lacking in the Project sites.
San Francisco Bay spineflower (<i>Chorizanthe cuspidata</i> var. <i>cuspidata</i>)	--/--/1B.2	Observed as far south as Monterey County, but most recordings are in the San Francisco Bay Area, which include; San Mateo, Alameda, San Francisco, Marin, and Sonoma County. Coastal Strand, Coastal Prairie, Northern Coastal Scrub. Annual herb.	Absent. Local occurrence is historical and Project sites outside species' known distribution.
Franciscan thistle (<i>Cirsium andrewsii</i>)	--/--/1B.2	Found in mesic, sometimes serpentinite. Broadleafed upland forest, coastal bluff scrub, coastal prairie, and coastal scrub	Absent. Project sites outside species' known distribution. Typically occurs in coastal bluffs of San Francisco.
Mt. Tamalpais thistle (<i>Cirsium hydrophilum</i> var. <i>vaseyi</i>)	--/--/1B.2	Observations recorded in San Francisco and Marin County in mixed evergreen forest, chaparral, wetland-riparian. Perennial herb.	Low. Occurs in eastern portion of Ross Valley in riparian, chaparral or forest habitats, but habitat is lacking in the Project sites.
Presidio clarkia (<i>Clarkia franciscana</i>)	FE/SE/1B.1	Serpentine outcrops in grassland or scrub. May – June. 20-305 m.	Low. Project sites outside species' known distribution.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants (cont.)			
Western leatherwood (<i>Dirca occidentalis</i>)	--/--/1B.2	Broadleaved upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland. On brushy slopes, mesic sites; mostly in mixed evergreen & foothill woodland communities. 25-425 m.	Low. Project sites outside species' known distribution.
Koch's cord moss (<i>Entosthodon kochii</i>)	--/--/1B.3	Cismontane woodland with moss growing on soil on river banks. 185-365m	Low. Project sites outside species' known distribution.
Tiburon buckwheat (<i>Eriogonum luteolum</i> var. <i>caninum</i>)	--/--/1B.2	Observations recorded in the San Francisco Bay Area include the East Bay and North Bay up to Mendocino County. Coastal prairie, chaparral, and valley grassland. Annual herb. May-September. 0-700m	Low. Likely to occur in grasslands in the vicinity, but suitable habitat is lacking in the Project sites.
Minute pocket moss (<i>Fissidens pauperculus</i>)	--/--/1B.2	Observations recorded along the west coast of California from Santa Cruz County to Del Norte, with observations recorded east in Butte County. Moss grows on damp soil along the coast and dry streambeds/streambanks.	Low. Project sites outside species' known distribution.
Fragrant fritillary <i>Fritillaria liliacea</i>	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal prairie. Often on serpentine; usually on clay soils, in grassland. February- April. 3-410 m.	Low. Project sites outside species' known distribution.
Marin checker lily (<i>Fritillaria lanceolata</i> var. <i>tristulis</i>)	--/--/1B.1	Perennial bulbiferous herb. Observations recorded in San Mateo and Marin County in canyons to riparian areas and serpentine rock outcrops. February – May. 15-150m	Low. Project sites outside species' known distribution.
Diablo helianthella (<i>Helianthella castanea</i>)	--/--/1B.2	South Bay, East Bay, and North Bay in chaparral, foothill woodland, Northern coastal scrub, and valley grassland. Perennial herb.	Low. Local occurrence is historical and suitable habitat is limited.
Congested-headed hayfield tarplant (<i>Hemizonia congesta</i> ssp. <i>congesta</i>)	--/--/1B.2	Recorded observations have been made as far south as Los Angeles County, but primarily found in the South Bay, North Bay, and along the west coast of California up to Del Norte. Additional observations have been made in El Dorado County. Grassy valleys and hills, often in fallow fields; sometimes along roadsides. April – November. 20-560 m.	Moderate. Has potential to occur in grasslands in the Project sites.
Marin western flax (<i>Hesperolinon congestum</i>)	FT/ST/1B.1	Alameda, San Mateo, San Francisco, and Marin County with an additional observation recorded in Colusa County in chaparral and valley grassland. Annual herb. 60-370 m.	Low. Could occur in serpentine barrens and in serpentine grassland and chaparral.
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	FT/SE/1B.1	Monterey and Santa Cruz County, as well as the North Bay and East Bay in coastal prairie and valley grassland. Annual herb. June – October. 10-220 m.	Low. Local occurrence historical (1883) and possibly extirpated.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants (cont.)			
Thin-lobed horkelia (<i>Horkelia tenuiloba</i>)	--/--/1B.2	San Luis Obispo and Monterey County. Marin to Mendocino County and east to Colusa County in chaparral. Perennial herb.	Moderate. Could occur in sandy soils in forest or grassland of the Project sites.
Small groundcone (<i>Kopsiopsis hookeri</i>)	--/--/2B.3	Recorded in counties along the west coast of California including; Santa Cruz, Marin, and Lake County to Del Norte County in redwood forest. Found in open woods, shrubby places, generally on Gaultheria shallon. Perennial rhizomatous herb (parasitic). April – August. 120-1435m	Low. Occurs in redwood forest in the vicinity, but habitat is lacking in the Project sites.
Tamalpais lessingia (<i>Lessingia micradenia</i> var. <i>micradenia</i>)	--/--/1B.2	Marin and Lake County and chaparral and valley grassland. Usually on serpentine, in serpentine grassland or serpentine chaparral. Often on roadsides. Annual herb. June – October. 60-305 m	Low. Occurs in serpentine soils in the vicinity, but suitable habitat is lacking in the Project sites.
Marsh microseris (<i>Microseris paludosa</i>)	--/--/1B.2	Found along the west coast from San Luis Obispo County to Mendocino County. Occurs in northern coastal scrub and closed-cone pine forest. Perennial herb. April – June. 5-300m	Low. Local occurrences are historical and habitat is limited in the Project sites.
Marin County navarretia (<i>Navarretia rosulata</i>)	--/--/1B.2	Marin and Napa County in chaparral, dry, open rocky places, including closed-cone pine forest. In serpentine soils. Annual herb. May – July. 200-635m	Low. Local occurrence on serpentine slopes in the vicinity, but suitable habitat lacking in the Project sites.
White-rayed pentachaeta (<i>Pentachaeta bellidiflora</i>)	FE/SE/1B.1	Annual herb. Along the west coast from Monterey County to Marin County – none recorded in SF County, in valley grassland. March – May. 35-610m.	Absent. Local occurrence is historical and species is likely extirpated from Marin.
Choris' popcorn-flower (<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>)	--/--/1B.2	Mesic sites in chaparral, coastal scrub, coastal prairie. 15-100 m.	Low. Suitable habitat not found in Project sites.
Hairless popcornflower (<i>Plagiobothrys glaber</i>)	--/--/1A	South and East Bay from Santa Clara County to Alameda County, and Marin County in coastal salt marsh, wetland-riparian meadows, salt-marsh, coastal. Occurs almost always under natural conditions in wetlands. Annual herb. March – May. 5-125m.	Absent. Presumed extinct in California.
North Coast semaphore grass (<i>Pleuropogon hooverianus</i>)	--/ST/1B.1	North Bay, including Marin to Mendocino County. Farthest north in Del Norte County in mixed evergreen forest, north coastal coniferous forest, freshwater wetlands, wetland-riparian in meadows and vernal-pools. Usually occurs in wetlands, but occasionally found in non-wetlands. Perennial rhizomatous grass. April-June.	Low. Local occurrence on periphery of Project sites.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants (cont.)			
Oregon polemonium (<i>Polemonium carneum</i>)	--/--/2B.2	Coastal prairie and scrub in lower montane coniferous forest. April – September. 0-1830m	Low. Suitable habitat not found in Project sites.
Tamalpais oak (<i>Quercus parvula</i> var. <i>tamalpaisensis</i>)	--/--/1B.3	Marin County only. Lower montane habitats. Perennial evergreen. March- April.	Low. Occurrences in lower montane habitats in the vicinity of the Project sites.
Abode sanicle (<i>Sanicula maritima</i>)	--/--/1B.1	Occurs in chaparral, coastal prairie, meadows and seeps, and grassland in clay, serpentinite. Perennial herb. February – May. 30-240m.	Low. Local occurrences are historical and in San Francisco.
Point Reyes checkerbloom (<i>Sidalcea calycosa</i> ssp. <i>rhizomata</i>)	--/--/1B.2	North Bay counties – Marin, Sonoma, and Mendocino in coastal salt marsh or wetland-riparian. Primary habitat is freshwater-marsh. Occurs almost always under natural conditions in wetlands. Perennial rhizomatous herb.	Low. Historical occurrence in vicinity, but marsh habitat is not present in the Project sites.
Marin checkerbloom (<i>Sidalcea hickmanii</i> ssp. <i>viridis</i>)	--/--/1B.2	Serpentine soils in chaparral habitats. May – June. 50-430m.	Low. Suitable habitat not found in Project sites.
San Francisco campion (<i>Silene verecunda</i> ssp. <i>verecunda</i>)	--/--/1B.2	Sandy habitats in coastal bluff scrub, chaparral, coastal prairie, coastal scrub, and grassland. February – August. 30-645m	Low. Suitable habitat not found in Project sites.
Santa Cruz microseris (<i>Stebbinsoseris decipiens</i>)	--/--/1B.2	Monterey, Santa Cruz, and Marin County Coastal Prairie, Chaparral, Mixed Evergreen Forest, Closed-cone Pine Forest, Northern Coastal Scrub. Weak affinity to serpentine soil. Annual herb. April – May. 10-500m	Low. Local occurrence on periphery of Project sites, but suitable habitat is not present in the Project sites.
Mt. Tamalpais jewelflower (<i>Streptanthus batrachopus</i>)	--/--/1B.3	Only found in the North Bay regions from Marin County to Mendocino and east to Colusa County. Chaparral, closed-cone pine forest. Annual herb. April – July. 335-670 m.	Low. Local occurrence on periphery of Project sites, but chaparral and pine forest do not occur in Project sites.
Tiburon jewelflower (<i>Streptanthus glandulosus</i> ssp. <i>niger</i>)	FE/SE/1B.1	Shallow, rocky serpentine slopes in grassland. May-June. 30-150m.	Low. Suitable habitat not found in Project sites.
Mt. Tamalpais bristly jewelflower (<i>Streptanthus glandulosus</i> ssp. <i>pulchellus</i>)	--/--/1B.2	Only found in Marin County. Chaparral, valley grassland. Moderate affinity to serpentine soil. Annual herb. May-August. 125-670 m.	Low. Occurrences on serpentine slopes in the vicinity of the Project sites.

TABLE 4.5-2 (CONTINUED)
SPECIAL-STATUS SPECIES WITH POTENTIAL TO OCCUR IN THE PROJECT SITES

Name	Listing Status	General Habitat Requirements	Potential for Species Occurrence Within the Project Sites
Plants (cont.)			
Two-fork clover (<i>Trifolium amoenum</i>)	FE/--/1B.1	South Bay (Santa Clara/San Mateo), East Bay and North Bay in valley grassland, wetland-riparian. Sometimes on serpentine soil, open sunny sites, swales, roadsides and eroding cliff faces. Annual herb. April-June. 5-415m.	Low. Historical sightings in vicinity of Project sites on serpentine soil in open sunny swales, but no recent occurrences.
Saline clover (<i>Trifolium hydrophilum</i>)	--/--/1B.2	Mesic, alkaline sites. April-June. 1-335 m.	Low. Known occurrence in Richmond. Unlikely to occur in Project sites.
San Francisco owl's-clover (<i>Triphysaria floribunda</i>)	--/--/1B.2	Usually serpentine conditions in coastal prairie and scrub, and grassland. April-June. 10-160 m.	Low. Known occurrences in San Francisco. Unlikely to occur in Project sites.
Coastal triquetrella (<i>Triquetrella californica</i>)	--/--/1B.2	Grows within 30m from the coast in coastal scrub, grasslands and in open gravels on roadsides, hillsides, rocky slopes, and fields. On gravel or thin soil over outcrops. Moss. 10-100 m.	Low. Occurs on rocky slopes in coastal areas.

Status Codes:

USFWS (U.S. Fish and Wildlife Service)
 FE = Listed as Endangered by the Federal Government
 FT = Listed as Threatened by the Federal Government.
 FC = Listed as Candidate
 BBC = USFWS Bird of Conservation Concern

CDFW (California Department of Fish and Wildlife)
 SE = Listed as Endangered by the State of California
 ST = Listed as Threatened by the State of California
 CaT = Candidate Threatened by the State of California
 CFP = California Fully Protected species
 SSC = Species of Special Concern
 WBWG = Western Bat Working Group

California Native Plant Society:

List 1A=Plants presumed extinct in California
 List 1B=Plants rare, Threatened, or Endangered in California and elsewhere
 List 2= Plants rare, Threatened, or Endangered in California but more common elsewhere
 List 3= Plants about which more information is needed
 List 4= Plants of limited distribution

An extension reflecting the level of threat to each species is appended to each rarity category as follows:

- .1 – Seriously endangered in California
- .2 – Fairly endangered in California
- .3 – Not very endangered in California

Potential to Occur Categories:

Absent = The Project sites and/or immediate vicinities do not support suitable habitat for a particular species. Project sites may be outside of the species' known range.
 Low Potential = The Project sites and/or immediate vicinities only provide limited habitat. In addition, the species' known range may be outside of the Project sites.
 Moderate Potential = The Project sites and/or immediate vicinities provide suitable habitat.
 High Potential = The Project sites and/or immediate vicinity provide ideal habitat conditions or the species has been observed.

SOURCES: California Department of Fish and Wildlife (CDFW), California Natural Diversity Data Base, 2017. Available online at <http://dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>; California Native Plant Society, Inventory or Rare, Threatened and Endangered Plants of California, 2017. Available online at <http://www.rareplants.cnps.org/>; U.S. Fish and Wildlife Service (USFWS), iPac Information for Planning and Conservation. Online database powered by ECOS Environmental Conservation Online System, 2017a. Available online at <https://ecos.fws.gov/ipac/>.

Figure 4.5-3 and **Figure 4.5-4** show the results of the CNDDDB searches for special-status plant and animal species in the vicinity of the Project sites. **Figure 4.5-5** shows critical habitat in the vicinity of the Project sites. Note that species shown on CNDDDB figures include all species identified in the database searches for areas within two miles of the Project sites, though these species may have been extirpated from the region or not be in the categories of special-status species included in Table 4.5-2.

The rare plant and wildlife species distributions identified in those databases do not provide a comprehensive assessment of rare species distribution in the Project sites, because they are based on reported observations. To further refine the analysis, a reconnaissance-level survey of the Project sites was conducted on May 23, 2017 to assess the habitats present and the potential for special-status species occurrence.

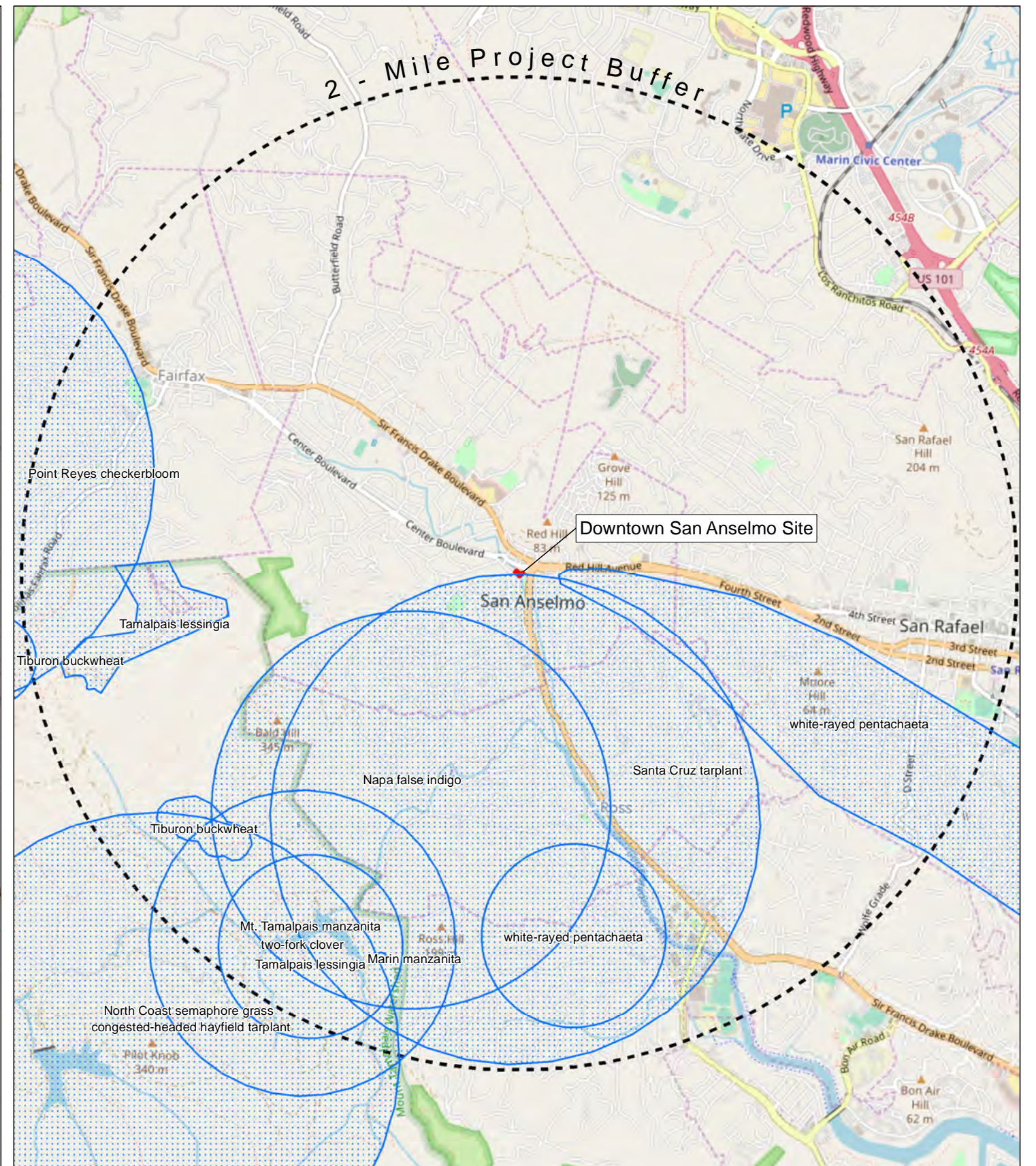
As Table 4.5-2 and Figures 4.5-3 and 4.5-4 show, San Anselmo and Fairfax creeks support multiple special-status plants and animals. San Anselmo Creek also supports federally listed anadromous² fish species (refer to Figure 4.5-5). There are no reported occurrences of California red-legged frog (CRLF; *Rana draytonii*), a federal threatened species and California Species of Special Concern within the watershed (California Department of Fish and Wildlife [CDFW], 2017); however, this species occurs in other parts of Marin County and may pass through the watershed. Foothill yellow-legged frog (*Rana boylei*, a state candidate for listing) has been observed in upper San Anselmo Creek in Cascade Canyon (Michl, 2018) and may also occasionally be found in the lower watershed. Western pond turtle (WPT; *Actinemys marmorata*), a California Species of Special Concern, is found at Phoenix Lake in Ross, and has high potential to occur, while CRLF has low to moderate potential, and foothill yellow-legged frog has low potential (see Table 4.5-2). There are areas of suitable roosting habitat for the pallid bat (a California Species of Special Concern) and the hoary bat (a Western Bat Working Group species) at the Project sites. These and other special-status species that may occur in the Project sites are discussed below.

Central California Coast Steelhead (*Oncorhynchus mykiss*) FT

Central California Coast steelhead may be resident (non-migratory, known as rainbow trout) or may migrate to the open ocean (anadromous). Steelhead are unique among Pacific salmon in that ocean-migrating individuals may return to the ocean after spawning and return to freshwater to spawn one or more times. Eggs are laid in gravel nests called redds, and hatch into alevins (gravel-dwelling hatchlings), which mature into fry (juveniles emerged from stream gravels). Fry (juveniles) rear in freshwater typically 1 to 2 years until they become large enough to migrate to the ocean to finish maturing to adults.

Most spawning takes place from January through April during high creek flows. Steelhead select spawning sites with gravel substrate and with sufficient flow velocity to maintain circulation through the gravel and provide a clean, well-oxygenated environment for eggs. Steelhead fry generally rear in edgewater habitats with good cover and move gradually into pools and riffles as they grow larger. Young steelhead feed on aquatic and terrestrial insects. The upper lethal temperature for Pacific salmonids is in the range 24 to 25 degrees Celsius for continuous long-term exposure (Moyle, 2002).

² Fish that migrate between freshwater and the ocean during their life cycle.

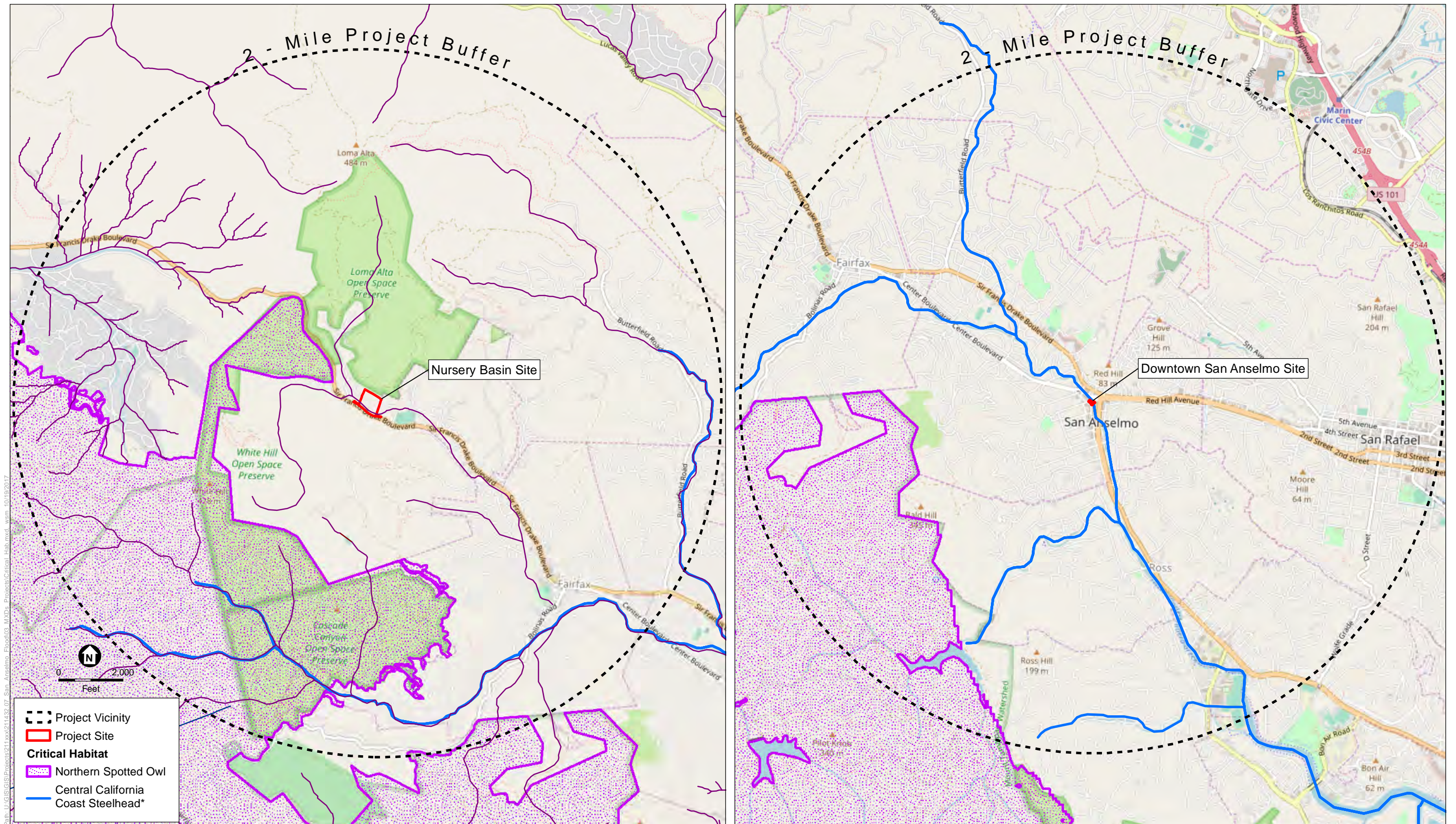


SOURCE: CDFW, 2017

San Anselmo Flood Risk Reduction Project

Figure 4.5-3

CNDDDB Plant Occurrences within 2 Miles of the Project Sites



SOURCE: USFWS, 2017

Note: Critical habitat corrected to reflect current stream conditions.

San Anselmo Flood Risk Reduction Project

Figure 4.5-5
Critical Habitat in the Vicinity of the Project Sites

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Steelhead and Chinook salmon both have been found in the lower portion of Corte Madera Creek, and steelhead use the tributaries as well. Chinook are presumably strays from San Pablo Bay and have low potential to occur in the Project reaches. Designated critical habitat for steelhead includes Corte Madera Creek and tributaries including San Anselmo Creek and Sleepy Hollow Creek (refer to Figure 4.5-5). However, there are major barriers to passage by anadromous fish, including a poorly designed fish ladder upstream of a concrete channel in Ross, and inadequate fish ladders at Saunders Avenue in San Anselmo and at Pastori Avenue in Fairfax. In addition, there is a natural rock outcrop barrier to steelhead passage in Fairfax on Olema Road (Leidy et al., 2005). Although some steelhead are able to get past these barriers, the barriers do not meet standards for fish passage used by National Oceanic and Atmospheric Administration (NOAA) Fisheries and CDFW (Friends of Corte Madera Creek Watershed, 2005). Thus, there is a low chance of anadromous fish occurring as far upstream as the Nursery Basin site due to a barrier restricting access into Fairfax Creek, and greater, but still low-to-moderate, chance of anadromous steelhead occurring at the downtown San Anselmo site.

California Red-legged Frog (Rana draytonii; FT)

The CRLF has been extirpated from 70 percent of its historic range and is federally threatened. Critical habitat for this species was finalized in 2010. The Project site is not within critical habitat for the CRLF; the nearest designated critical habitat is approximately 10 miles northwest. CRLF is associated with streams, freshwater pools, and ponds with stands of overhanging vegetation such as willows (*Salix* spp.), broadleaf cattail (*Typha latifolia*), tules (*Scirpus* spp.), or sedges (*Carex* sp.). Frog eggs are attached to emergent or submerged vegetation in ponds, springs, or pools. During wet periods (especially in the winter and early spring months), CRLF can move long distances (e.g., 1 mile) between aquatic habitats, often over areas that are considered to be unsuitable for frogs (e.g., roads, open fields, croplands, etc.).

CRLF have not been detected in the Corte Madera Creek Watershed, including San Anselmo Creek and its tributaries and Fairfax Creek. These creeks are not anticipated to support CRLF breeding. High winter flows, cool water temperatures, dense shading, and the presence of predatory fish species all reduce the habitat suitability of the creeks as breeding locations, but could support aquatic non-breeding habitat. CRLF have been detected elsewhere in Marin County and have low to moderate potential to disperse through the Project sites. The closest documented occurrences of CRLF to the Project site are approximately 5 miles west of the former Sunnyside Nursery Basin site (CDFW, 2017).

Western Pond Turtle (Actinemys marmorata) SSC

The WPT is found in suitable aquatic habitat throughout California. It inhabits annual and perennial aquatic habitats, including lagoons, lakes, ponds, marshes, rivers, and streams from sea level to 5,500 feet. WPT also occupies man-made habitats such as stock ponds, wastewater storage, percolation ponds, canals, and reservoirs. It requires low-flowing or stagnant freshwater aquatic habitat with suitable basking structures, including rocks, logs, algal mats, mud banks and sand. Warm, shallow, nutrient-rich waters supporting prey such as aquatic invertebrates, small fish, and vegetation are ideal. Turtles require suitable aquatic habitat for most of the year. Although upland habitat is utilized for refuging and nesting, this species preferentially utilizes

aquatic and riparian corridors for movement and dispersal. WPT nests in uplands in spring and buries eggs. The hatchlings generally emerge in late fall or in early spring. WPT have been found in Phoenix Lake, upstream of Ross Creek, 1.5 miles downstream from the Downtown San Anselmo site. The turtles could disperse into the Downtown San Anselmo site on San Anselmo Creek from Ross Creek by moving upstream along the banks.

However, WPT nesting habitat requires open uplands adjacent to water, which is not found in the Downtown San Anselmo site. At the Nursery Basin site, suitable open upland habitat occurs near Fairfax Creek, but the nearest known occurrence of WPT is 3 miles south at Alpine Lake in the Lagunitas Creek watershed. WPT have a moderate potential to occur at both Project sites.

Northern Spotted Owl (Strix occidentalis caurina) FT, SSC

The Northern spotted owl (NSO) was listed as threatened by the US Fish and Wildlife Service in 1990 and by the California Department of Fish and Wildlife in 2016. Designated critical habitat is 1,000 feet west of the Nursery Basin site and 1 mile west of downtown San Anselmo (refer to Figure 4.5-5). Northern spotted owls are widely distributed in forested regions from southern British Columbia through northwestern California, with the southern edge of their breeding territory reaching into Marin County. In the southern portion of their range, suitable breeding habitat for spotted owl consists of coniferous forest, mixed evergreen forest, and oak woodland. The owls roost in dense, multi-layered canopy during the day, and forage at night. NSO is sensitive to habitat destruction and fragmentation. Large blocks of mature forest with permanent water and suitable nesting trees and snags are required for successful reproduction. The owls usually nest in tree or snag cavities, or on platforms within large trees. Prey consists primarily of small mammals, including woodrats, mice, and voles. The National Park Service, Marin Municipal Water District and Marin County Parks have monitored NSO populations in Marin since 1998 and the population appears stable, with high reproductive success and minimal impact from barred owls (NPS, 2016). The nearest spotted owl activity center is just over 0.25 mile west of the Nursery Basin site (refer to Figure 4.5-4). Both sites are too disturbed and fragmented to provide suitable nesting habitat.

Napa false indigo (Amorpha californica var. napensis) CNPS Rank 1B

Napa false indigo is a perennial deciduous shrub in the pea family (Fabaceae) that blooms from April to July, with identifiable vegetative structures remaining into early fall. It typically occurs on north-facing aspects in openings in broadleaf upland forest, chaparral, and cismontane woodland habitat at elevations ranging from 395 to 6,560 feet (CNPS, 2017). It is often found associated with California bay laurel, black oak, coast live oak, Douglas fir, tanoak, Pacific madrone, California hazelnut, ocean spray (*Holodiscus discolor*), poison oak, wood fern (*Dryopteris arguta*), bracken fern (*Pteridium aquilinum*), wood rose (*Rosa gymnocarpa*), and rein orchid (*Piperia transversa*) (CDFW, 2017). There are 18 CNDDDB records of this species from Marin County; the nearest approximately 2.5 miles south of the Nursery Basin site. Woodland habitat within the Project sites is disturbed with primarily non-native species present. This species has moderate potential to occur within grassland of the Nursery Basin site but is not likely to occur at the Downtown San Anselmo site.

***Congested-headed hayfield tarplant (Hemizonia congesta ssp. congesta)* CNPS Rank 1B**

The congested-headed hayfield tarplant (also called the white seaside tarplant) is an annual herb in the sunflower family (Asteraceae) that blooms from April to November. It typically occurs in grassy areas and fallow fields in coastal scrub, and valley and foothill grassland at elevations ranging from 65 to 1,840 feet (CDFW, 2017; CNPS, 2017). Observed associated species include coast live oak, white hyacinth (*Triteleia hyacinthina*), Italian rye grass (*Festuca perennis*), little rattlesnake grass (*Briza minor*), pennyroyal (*Mentha pulegium*), and spiny-fruited buttercup (*Ranunculus muricatus*). There are six CNDDDB records in the vicinity of the Project sites (CDFW, 2017), the nearest approximately two miles west of the San Anselmo site. This species has a moderate potential to occur within grassland of the Nursery Basin site, but suitable habitat is not present at the San Anselmo site.

***Thin-lobed horkelia (Horkelia tenuiloba)* CNPS Rank 1B**

Santa Rosa horkelia is a perennial herb in the rose family (Rosaceae) that blooms from May to July. It typically occurs in mesic openings in broadleaf upland forest, coastal scrub, chaparral, and valley and foothill grassland habitat at elevations ranging from 160 to 1,640 feet (CNPS, 2017). Soil survey data at known locations suggest that this species is typically located on very strongly acid (pH 5.0) to slightly acid (pH 6.5) fine sandy loams to very gravelly sands derived from sandstone or serpentine rock (CNPS, 2017). Associated species may include Douglas fir, chamise (*Adenostoma fasciculatum*), poison oak, Stanford's manzanita (*Arctostaphylos stanfordiana*), Baker's manzanita (*A. bakeri* ssp. *bakeri*), yerba santa (*Eriodictyon californicum*), Rincon Ridge manzanita (*Ceanothus confusus*), California blackberry, modesty (*Whipplea modesta*), yerba buena (*Satureja douglasii*), beard tongue (*Penstemon* spp.), purple needlegrass (*Nassella pulchra*), and California oat grass (CDFW, 2017). There are five CNDDDB records in the vicinity of the Project area (CDFW, 2017), the nearest approximately two miles south of Fairfax and four miles south of the downtown San Anselmo site. This species has a moderate potential to occur within grassland of the Nursery Basin site but suitable habitat is not present at the Downtown San Anselmo site.

Other Rare Plants

Several other rare plants have been documented in the vicinity of the Project area, but have low potential to occur at the sites given the disturbed habitat within the Project sites. Tiburon buckwheat (*Eriogonum luteolum* var. *caninum*) (Rank 1B.2), Mount Tamalpais manzanita (*Arctostaphylos montana* ssp. *montana*) (Rank 1B.3), Tamalpais lessingia (*Lessingia micradenia* var. *micradenia*) (Rank 1B.2), Marin County navarretia (*Navarretia rosulata*) (Rank 1B.2), and Mount Tamalpais bristly jewelflower (*Streptanthus glandulosus* ssp. *pulchellus*) (Rank 1B.2), may occur on serpentine slopes in chaparral and grassland areas in the vicinity of the Project area. Two-fork clover (*Trifolium amoenum*) (FE, Rank 1B.1) is also found in serpentine soils, along sunny roadsides and cliff faces. Tamalpais oak (*Quercus parvula* var. *tamalpaisensis*) (Rank 1B.3) is found on lower montane slopes, and coastal triquetrella (*Triquetrella californica*) (Rank 1B.2) is found in coastal scrub, rocky slopes, and gravel. Small groundcone (*Kopsiopsis hookeri*) (Rank 2B.3) is a parasitic herb found on shrubs in redwood forests. The potential for these and other rare plants to occur in the Project area are included in Table 4.5-2.

4.5.1.6 Habitat Connectivity and Wildlife Movement

Protecting and enhancing habitat connectivity and functional movement corridors between the remaining natural areas is essential to sustaining populations and allowing the continued dispersal of native plant and animal species. Natural linkages include the undeveloped baylands and shorelines, riparian corridors and drainages, undeveloped ridgelines, and corridors across valley floors where impermeable barriers such as dense urban development, exclusionary fencing, and heavily traveled roadways have not yet eliminated options for wildlife movement and plant dispersal (Marin County, 2007). In San Anselmo and Fairfax creeks, the channels provide valuable cover and movement corridors for fish and wildlife in the riparian zone and in the creekbed during the summer months when water levels are low. The Nursery Basin site may also serve as a movement corridor for terrestrial species from the creek to upland habitat on Marin County Open Space District lands.

4.5.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.5.2.1 Federal Regulations

Federal Endangered Species Act

FESA protects listed fish and wildlife species from harm or “take,” which is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury to a listed wildlife species. An activity can be defined as take even if it is unintentional or accidental. Listed plant species are legally protected from take under FESA if they occur on federal lands or if a project requires a federal action, such as a Clean Water Act Section 404 fill permit.

The USFWS has jurisdiction over federally listed threatened and endangered species, and the National Marine Fisheries Service (NMFS, also called NOAA Fisheries) has jurisdiction over federally listed, threatened, and endangered marine and anadromous fish such as salmon and steelhead. These two agencies also maintain lists of species proposed for listing. Species on these lists are not legally protected under the FESA, but may become listed in the near future; these agencies often include them in their review of a project. Designated critical habitats for FESA-listed species are also regulated and protected by these agencies.

Clean Water Act/Waters of the United States

Areas meeting the regulatory definition of “Waters of the United States” (Waters of the U.S.) (jurisdictional waters) are subject to the jurisdiction of the USACE under provisions of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (such as, intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters

of the U.S., the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to Waters of the U.S. (33 Code of Federal Regulations [CFR] Section 328.3). Wetlands on non-agricultural lands are identified using the USACE Wetlands Delineation Manual (Environmental Laboratory, 1987).

Impacts to jurisdictional Waters of the U.S. are regulated under Section 404 of the Clean Water Act, for which the USACE and the U.S. Environmental Protection Agency (USEPA) have enforcement responsibility. The water quality-related aspects of the Clean Water Act have been delegated to the California Water Resources Control Board and the Regional Water Quality Control Boards (RWQCBs) under it; those regulations and agencies are discussed below.

Federal Migratory Bird Treaty Act

The federal MBTA (16 United States Code [U.S.C.] § 703) prohibits the pursuit, hunting, take, capture, or killing of migratory birds in the United States, including nests and eggs of migratory birds during the breeding season. The current U.S. Department of the Interior interpretation of the MBTA (memorandum M-37050 in December 2017) does not prohibit or penalize take of migratory birds that results from incidental take during operations. Taking of nests from construction activity remains prohibited under MBTA.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) is the primary law governing marine fisheries management in U.S. federal waters. One objective of the act is to conserve Essential Fish Habitat. A consultation with NMFS is required whenever a federal agency permits, funds, or implements a project that could affect essential fish habitat. Corte Madera Creek and its upstream tributaries, including San Anselmo Creek and Fairfax Creek, are designated as Essential Fish Habitat for several species of salmonids. Thus, consultation with NMFS, concurrent with its FESA consultation, is likely to be required.

4.5.2.2 State and Regional Regulations and Agencies

California Endangered Species Act and Other Special-Status Species Regulations

CESA prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. The CESA definition of take differs from the FESA definition. Under CESA, take is defined as hunting, pursuing, catching, capturing, or killing, or attempting to do any of those things; lesser forms of disturbance (e.g., harassing) are not included as take in the CESA but are in the FESA. There is also no state-level equivalent of critical habitat for listed species.

In accordance with the CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code §2070). CDFW also maintains lists of Species of Special Concern that are defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats. CDFW also regulates Fully Protected Animals, a classification which was the state's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Most, but not all, Fully Protected Animals also have

been listed as threatened or endangered species under the more recent state and federal endangered species laws and regulations. CDFW can authorize take of listed species, except Fully Protected Animals, under CESA Sections 2080.1 and 2081 and 2089.2-2098.26, which allow CDFW to issue Consistency Determinations, Incidental Take Permits (ITPs), and Save Harbor Agreements, respectively.

Habitats potentially under the regulatory jurisdiction of CDFW are described under Division 2, Chapter 6, Sections 1600–1616 of the Fish and Game Code of California. Other sections of the Fish and Game Code of California protect various groups of wildlife species, including fish, crustaceans, mollusks, birds, mammals, reptiles, and amphibians. CDFW implements many sections of the Fish and Game Code through the use of the Section 1602 Lake and Streambed Alteration Agreement process, under which it regulates changes in non-tidal aquatic habitats and the riparian corridors that often surround them. The Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (1) substantially divert or obstruct the natural flow of any river, stream or lake; (2) substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or (3) deposit debris, waste or other materials that could pass into any river, stream or lake (CDFW 2018). A Lake and Streambed Alteration Agreement (LSAA) covers activities that would result in the modification of the bed, bank, or channel of a stream, river, or lake, including water diversion and damming and removal of vegetation from the floodplain to the landward extent of the riparian zone. It governs both activities that modify the physical characteristics of the stream and activities that may affect fish and wildlife resources that use the stream and surrounding habitat (i.e., the riparian vegetation or wetlands). A Section 1602 LSAA will often require mitigation, such as revegetation or replanting of riparian trees or other compensatory mitigation, for impacts to these resources.

Clean Water Action Section 401/San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay RWQCB has primary authority for implementing Section 401 of the federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act, which pertains to waters of the State of California. These statutes regulate water quality conditions by establishing processes for developing and implementing planning, permitting, and enforcement authority for waste discharges to land and water. The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) establishes beneficial uses for surface and groundwater resources and sets regulatory water quality objectives that are designed to protect those beneficial uses (RWQCB, 2011).

Under the current Basin Plan, designated beneficial uses for Corte Madera Creek include commercial and sport fishing, navigation, contact and noncontact recreation; warm freshwater fish habitat; cold freshwater fish habitat; wildlife habitat; preservation of rare and endangered species; migration of aquatic organisms; and spawning, reproduction, and/or early development of fish. Designated beneficial uses for Fairfax Creek include contact and noncontact recreation; warm freshwater fish habitat; cold freshwater fish habitat; wildlife habitat; and spawning, reproduction, and/or early development of fish. The Basin Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the

requirements of the USEPA and establishes conditions related to discharges that must be met at all times. The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the Basin Plan's policies and objectives. These actions include measures for urban runoff management and wetland protection.

California Native Plant Society/California Rare Plant Rank

The California Native Plant Society (CNPS) is a statewide, non-governmental conservation organization working with CDFW and other organizations that has developed a ranking of plant species of concern in California. This list is the California Rare Plant Rank (CRPR). Vascular plants included on CNPS' CRPR list are defined as follows:

1. CRPR 1A: Plants considered extinct in California.
2. CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere.
3. CRPR 2: Plants rare, threatened, or endangered in California but more common elsewhere.
4. CRPR 3: Plants about which more information is needed; these are on the CNPS review list.
5. CRPR 4: Plants of limited distribution; these are on the CNPS watch list.

CNPS is not a regulatory agency and plants on the ranking have no regulatory protection under the FESA or CESA. However, adverse impacts to plants appearing as CRPR 1B or CRPR 2 are generally considered significant pursuant to the California Environmental Quality Act (CEQA) State CEQA *Guidelines*, Section 15380.

4.5.2.3 Local Regulations

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan are relevant to the Project.

Biological Resources

Goal BIO-1: Enhanced 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.

Policy BIO-1.1: Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors. Protect sensitive biological resources, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through careful environmental review of proposed development applications, including consideration of cumulative impacts, participation in comprehensive habitat management programs with other local agencies and resource management agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats.

Policy BIO-1.3: Protect Woodlands, Forests, and Tree Resources. Protect large native trees, trees with historical importance; oak woodlands; healthy and safe eucalyptus groves that support colonies of monarch butterflies, colonial nesting birds, or known raptor sites; and forest habitats. Prevent the untimely removal of trees through

implementation of standards in the Development Code and the Native Tree Preservation and Protection Ordinance. Encourage other local agencies to adopt tree preservation ordinances to protect native trees and woodlands, regardless of whether they are located in urban or undeveloped areas.

Policy BIO-1.6: Control Spread of Invasive Exotic Plants. Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development. Work with landowners, landscapers, the Marin County Open Space District, nurseries, and the multi-agency Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State's Noxious Weed List, the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California, and other priority species identified by the agricultural commissioner and California Department of Agriculture.

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-2.3: Preserve Ecotones. Condition or modify development permits to ensure that ecotones, or natural transitions between habitat types, are preserved and enhanced because of their importance to wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types

Policy BIO-2.4: Protect Wildlife Nursery Areas and Movement Corridors. Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits, including consideration of cumulative impacts. Features of particular importance to wildlife for movement may include riparian corridors, shorelines of the coast and bay, and ridgelines. Linkages and corridors shall be provided that connect sensitive habitat areas such as woodlands, forests, wetlands, and essential habitat for special-status species, including an assessment of cumulative impacts

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 when 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.

Policy BIO-2.8: Coordinate with Trustee Agencies. Consult with trustee agencies (the CDFW, USFWS, NOAA Fisheries, USACE, USEPA, RWCQB, and 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.

Policy BIO-3.1: Protect Wetlands. Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone).

Goal BIO-4: Riparian Conservation. Protect and, where possible, restore the natural structure and function of riparian systems.

Policy BIO-4.4: Promote Natural Stream Channel Function. Retain and, where possible, restore the hydraulic capacity and natural functions of stream channels in SCAs. Discourage alteration of the bed or banks of the stream, including filling, grading, excavating, and installation of storm drains and culverts. When feasible, replace impervious surfaces with pervious surfaces. Protect and enhance fish habitat, including through retention of large woody debris, except where removal is essential to protect against property damage or prevent safety hazards. In no case shall alterations that create barriers to fish migration be allowed on streams mapped as historically supporting salmonids. Alteration of natural channels within SCAs for flood control should be designed and constructed in a manner that retains and protects the riparian vegetation, allows sufficient capacity and natural channel migration, and allows reestablishment of woody trees and shrubs without compromising the flood flow capacity where avoidance of existing riparian vegetation is not possible. (Details in setbacks and other aspects of stream corridors are in Section 2.4 of the Marin Countywide Plan.)

Policy BIO-4.5: Restore and Stabilize Stream Channels. Pursue stream restoration and appropriate channel redesign where sufficient right-of-way exists that includes the following: a hydraulic design, a channel plan form, a composite channel cross-section that incorporates low flow and bankfull channels, removal and control of invasive exotic plant species, and biotechnical bank stabilization methods to promote quick establishment of riparian trees and other native vegetation.

Policy BIO-4.6: Control Exotic Vegetation. Remove and replace invasive exotic plants with native plants as part of stream restoration projects and as a condition of site-specific development approval in a SCA, and include monitoring to prevent reestablishment.

Policy BIO-4.7: Protect Riparian Vegetation. Retain riparian vegetation for: stabilization of streambanks and floodplains, moderating water temperatures, trapping and filtering sediments and other water pollutants, providing wildlife habitat, and aesthetic reasons.

Policy BIO-4.8: Reclaim Damaged Portions of SCAs. Restore damaged portions of SCAs to their natural state wherever possible, and reestablish as quickly as possible any herbaceous and woody vegetation that must be removed within an SCA, replicating the structure and species composition of indigenous native riparian vegetation.

Policy BIO-4.9: Restore Culverted Streams. Replace storm drains and culverts in SCAs with natural drainage and flood control channels wherever feasible. Reopening and restoring culverted reaches of natural drainages should be considered part of review of

development applications on parcels containing historic natural drainages where sufficient land area is available to accommodate both the reopened drainage and project objectives. Detailed hydrologic analysis may be required to address possible erosion and flooding implications of reopening the culverted reach, and to make appropriate design recommendations. Incentives should be provided to landowners in restoring culverted, channelized, or degraded stream segments. Where culverts interfere with fish migration but replacement is not possible, modify culverts to allow unobstructed fish passage.

Policy BIO-4.15: Reduce Wet Weather Impacts. Ensure that development work adjacent to and potentially affecting SCAs is not done during the wet weather or when water is flowing through streams, except for emergency repairs, and that disturbed soils are stabilized and replanted, and areas where woody vegetation has been removed are replanted with suitable species before the beginning of the rainy season.

Policy BIO-4.16: Regulate Channel and Flow Alteration. Allow alteration of stream channels or reduction in flow volumes only after completion of environmental review, commitment to appropriate mitigation measures, and issuance of appropriate permits by jurisdictional agencies based on determination of adequate flows necessary to protect fish habitats, water quality, riparian vegetation, natural dynamics of stream functions, groundwater recharge areas, and downstream users.

Policy BIO-4.19: Maintain Channel Stability. Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of onsite and downstream drainage ways that are affected by project area runoff. This assessment should be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g., sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County. (More details are available in Section 2.4 of the Marin Countywide Plan.)

Policy BIO-4.20: Minimize Runoff. In order to decrease stormwater runoff, the feasibility of developing a peak stormwater management program shall be evaluated to provide mitigation opportunities such as removal of impervious surface or increased stormwater detention in the watershed.

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-1.1: Protect Watersheds and Aquifer Recharge. Give high priority to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use.

Policy WR-1.2: Restore and Enhance Watersheds. Support watershed restoration efforts, coordinate County watershed activities with efforts by other groups, and simplify permit acquisition for watershed restoration and enhancement projects.

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 onsite sediment retention. Require developments to include onsite facilities for the retention of sediments and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.

Marin County Development Code

Tree Removal Permit

The Flood Control District is exempt from Marin County regulations. However, because the practice of the Flood Control District is to be consistent with Marin County regulations and policies whenever practicable, the Marin County Development Code are discussed here. Section 4.5.3, Impacts and Mitigation Measures, below, includes a discussion of how the Flood Control District will address impacts related to tree removal especially within riparian areas subject to State and Federal jurisdiction (as summarized in Section 4.5.2.4 above).

Under the Marin County Development Code, a Tree Removal Permit is required for removal of a “Heritage Tree” or more than two “Protected Trees” from a developed lot in a 12-month period, or any removal of “Protected Trees” on a vacant lot. Trees which are in poor health due to disease, damage, or age; infected by a pathogen or insects, as determined by an arborist report or other qualified professional; a potential public health and safety hazard due to the risk of its falling; a public nuisance by causing damage to structures or public utilities; or a fire hazard, as identified by a Fire inspector, or are removed by a public agency; are exempt from permit requirements. On a developed lot, up to two Protected Trees may be removed within a one-year timeframe, as long as neither is a Heritage Tree nor located within a Stream Conservation Area or a Wetland Conservation Area. Heritage and Protected Tree sizes differ by species of tree (Marin County, 2011).

An application for a Tree Removal Permit must include a landscaping/vegetation management plan that identifies the trees proposed for removal, and proposed replacement trees. Permit requirements may include:

1. Replacement of trees at a ratio of three new, appropriately sized and installed trees for each tree designated to be removed;
2. For large properties, a management plan which designates areas of the property for preservation of stands of trees or saplings and replacement plantings as required;
3. Removal of invasive exotic species.

If tree planting on the site is not feasible or appropriate, payment of \$500.00 per replacement tree may be deposited into the Tree Preservation Fund managed by the Marin County Parks and Open Space District for planting, maintenance, and management of trees and other vegetation.

Town of Fairfax

The following goals, objectives, and policies relevant to biological resources are in the Town of Fairfax's 2010 General Plan. A number of more detailed programs support each of these policies; they are described fully in the Conservation (CON) Element of the General Plan. Although neither Project site is within Fairfax's town limits and therefore the Town's General Plan and Tree Removal Ordinance do not apply, the close proximity of the Town to the former Sunnyside Nursery property and the interaction of Fairfax Creek and its riparian corridor make the consideration of the Town of Fairfax's goals, objectives, and policies relevant here.

Goal CON-3: Watershed and Stream Management.

Objective CON-3.1: To preserve and restore creeks and waterways to their natural condition and preserve natural habitats and their connectivity.

Policy CON-3.1.1: Maintain floodwater capacity and promote creek restoration.

Policy CON-3.1.2: The Town of Fairfax shall protect and restore riparian habitat and ensure natural channel process in the San Anselmo Creek and Fairfax Creek watersheds.

Policy CON-3.1.3: Creeks that are channelized shall be restored and/or daylighted to improve aquatic habitat. Creeks in a natural state shall not be channelized where possible.

Goal CON-5: Soils and Vegetation.

Objective CON-5.2: Protect and maintain high quality vegetation communities within the Town of Fairfax Planning Area.

Policy CON-5.2.1: Maintain and restore native vegetation where appropriate for habitat value, aesthetics, reference habitat, and riparian cover.

Goal CON-6: Wildlife Conservation.

Objective CON-6.1: Protect special-status species, resident and migrant wildlife, and their associated habitats.

Policy CON-6.1.1: Identify special-status species, resident and migrant wildlife, and their habitats, within the Town of Fairfax Planning Area.

Policy CON-6.1.2: Protect special-status species, resident and migrant wildlife, and their habitats, within the Town of Fairfax Planning Area.

Objective CON-6.2: Restore critical habitats for special-status species.

Policy CON-6.2.1: Restore habitats for anadromous fish.

Tree Removal Ordinance

Ordinance No. 387 in the Town of Fairfax requires a Tree Permit is required for removal or significant trimming of any tree, pursuant to Town Code Chapter 8.36 'Trees.' The Tree Advisory Committee reviews tree removal/alteration applications at a public hearing, and makes a recommendation to the Director of Planning and Building Services to grant or deny a permit (Town of Fairfax, 1973).

Town of San Anselmo

The following goals relevant to biological resources are in the Town of San Anselmo's General Plan, portions of which have been updated at different times since its inception in 1988.

Conservation Goals:

- a. Minimize environmental harm and the disruption of natural features, particularly in hillside and unstable soil areas.
- b. Protect creeks from pollution and against any unnecessary disturbance of the natural contours and vegetation of the banks.
- c. Preserve and protect significant habitats for fish, wildlife, and flora.

Conservation Policy Guidelines:

3. Activities causing damage to hydrological and biological processes shall be discouraged.
4. Streams shall be maintained in or restored to their natural state. A flood channel maintaining the natural settings on San Anselmo Creek and Sleepy Hollow Creek shall be of adequate width and properly maintained to allow passage of flood waters and preservation of riparian vegetation and habitat. Removal of vegetation on the hillsides should be closely controlled in order to minimize erosion, siltation of watercourses, and runoff.
6. A diversity and abundance of wildlife and waterlife shall be maintained or encouraged where it does not now exist. Vegetation and animal habitats shall be preserved wherever possible.

Tree Removal Permit

The Flood Control District is exempt from ordinances of towns or cities within Marin County, but the Town of San Anselmo's tree removal permitting process is provided for informational purposes. Section 4.5.3.3, below, includes a discussion of how the Flood Control District would address impacts related to tree removal. A permit is required to remove or significantly prune any heritage tree, any tree on undeveloped property and any street tree. A heritage tree is defined as a tree with a diameter at breast height (diameter breast height = 4.5 feet above grade) of 22 inches or more. A permit is required to remove any tree on undeveloped property with diameter breast height of 7 inches or more. Pruning is defined as removal of less than 25 percent of the tree's foliage. An arborist's report and photograph of the tree(s) and the context are required for the permit application. Acacia, eucalyptus, plum, privet and Monterey pine trees are considered nuisance trees and do not require a permit to remove (Town of San Anselmo, 2001).

Marin County Flood Control and Water Conservation District

The Marin County Public Works Department maintains the public infrastructure of Marin County, including its roads, bridges, flood channels, and natural creeks. Within the Public Works Department, the Marin County Flood Control and Water Conservation District (Flood Control District) works to reduce the risk of flooding for the protection of life and property while utilizing sustainable practices. The Flood Control District aims to meet this mission through effective, transparent, and responsive planning, design, construction, operation, and maintenance of

facilities; such as stormwater pump stations, flood diversion and storage basins, bypass drains, creeks, ditches, and levees. All Project elements would be designed to comply with the Flood Control District's own policies and to obtain and comply with any necessary permits.

4.5.2.4 Permits Required

As discussed in Chapter 3, Project Description, the following permits/approvals may be required from the agencies indicated:

1. Clean Water Act Section 404 Permit (USACE)
2. Clean Water Act Section 401 Water Quality Certification (RWQCB)
3. Endangered Species Act Section 7 Consultation (USFWS)
4. Endangered Species Act Section 7/ Magnuson-Stevens Act Consultation (NMFS/NOAA Fisheries)
5. California Endangered Species Act take approval (CDFW)
6. California Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement (CDFW)

4.5.3 Impacts and Mitigation Measures

This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section. Mitigation measures are recommended, as necessary, to reduce significant impacts.

4.5.3.1 Significance Criteria

Consistent with the State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:

- a) Have a substantial adverse effect (including a reduction in the number or range of a species or a drop in population below self-sustaining levels), 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 CDFW or USFWS;
- 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 CDFW or USFWS;
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal) 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 such that a barrier

to the species' migration, dispersal, or movement would result, 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.
- g) Introduce a new non-native or invasive species of plant or animal into an area.

Criteria Not Analyzed

For the reasons described below, due to the nature and location of the Project, there would be no impact on biological resources related to the following significance criterion; therefore, this criterion is not discussed further.

Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other Adopted Local, Regional, or State Habitat Conservation Plan.

There are no adopted habitat conservation plans, natural community conservation plans, or other approved plans that apply to the Project sites. Thus, this criterion is not applicable to construction or operation of the Project and is not discussed further in this environmental impact report.

4.5.3.2 Approach to Analysis

The following approach was used to inform the analysis of potential Project impacts on biological resources. The potential for regulated biological resources (e.g., special-status species, protected habitats, jurisdictional waters, etc.) to occur in or near one of the two Project sites was first assessed. Next, the Project actions were considered to evaluate whether direct or indirect impacts on these resources were likely. Finally, the magnitude of any of those impacts was weighed against the significance criteria. More detail on these steps is presented in the following paragraphs.

Potential to Occur

The potential distribution of special-status species, as defined in Section 4.5.1.5, occurring in the Project sites were determined from assessment of results of searches of the CNDDDB, CNPS, and USFWS databases and applicable scientific literature pertaining to the Project area. No focused (i.e., protocol-level) biological surveys were conducted for this environmental impact report; however, a reconnaissance-level survey of the Project sites was conducted to refine and clarify the results of those preliminary database searches and reviews of other literature and reports.

Types of Impacts

Direct impacts occur through direct interaction of the resource with a component of the project. Direct impacts on plant and wildlife species are caused by loss of habitat in these communities at the time of ground disturbance. Site excavation, grading, filling, infrastructure construction, or other changes to habitat can also result in direct impacts from death, injury, or disturbance to individuals to such an extent that the species cannot continue inhabiting or foraging in the area.

Direct impacts on natural communities include removal of these communities and replacement with other land uses. Direct impacts on habitat may be temporary, for example, if they disturb a habitat that is subsequently restored or displace individuals of a given species that later return to the site, or they may be permanent if the habitat is converted to some other type.

Indirect impacts result from a project, but are not a direct result of that project. They may occur later in time, at a different location, or as the result of a sequence of related interactions (State CEQA *Guidelines* Section 15064(d)(2) and (3)). Indirect impacts on species may occur when remaining fragments of undeveloped habitat are isolated from larger areas of contiguous habitat, and individuals of a species suffer reductions in fitness or reproductive capability in these smaller fragments. Indirect impacts may occur concurrent with Project implementation or at a later time due to degraded water quality; changes in hydrology; noise or dust, disturbance from human activities and domestic animals; increased predation or competition; invasive species spread; and other factors.

Significance Thresholds

The threshold for significance for special-status plants and wildlife would be any measurable decrease in population. For listed wildlife and fully protected species, any loss of individuals would be a significant impact. For habitat modification, a significant impact is any measurable alteration of the habitat that would result in a drop in the population of special-status species--such as changes in food supply, reduction in elements needed for breeding habitat, or changes that limit opportunities for cover and movement.

The threshold for significance for adverse effects on natural communities would be any reduction in extent of the community compared with baseline, or a change that could threaten the long-term existence of the community itself. The threshold of significance for wetlands is no-net-loss of extent. The threshold of significance for local ordinances is a violation of any such ordinances.

4.5.3.3 Impacts and Mitigation Measures

This section discusses five numbered potential impacts, several of which require mitigation measures to reduce the potential impacts to levels that would be less than significant.

Impact 4.5-1: Project implementation could have substantial adverse effects on special-status aquatic species or habitats. (*Less than Significant with Mitigation*)

Direct Effects

Mortality or Injury

Direct effects on individuals of a special-status aquatic species could arise from construction within the creek channel or along its banks. Construction activities can injure or kill individual fish by inadvertently bringing construction equipment into contact with them, by trapping or stranding them in a dewatering area, or otherwise directly physically damaging them. To avoid these significant impacts, the Project would implement standard construction best management practices, impact avoidance work windows (**Mitigation Measure 4.5-1a**), careful dewatering and

fish relocation using approved techniques and qualified personnel (**Mitigation Measure 4.5-1b**), and conduct contractor environmental awareness training (**Mitigation Measure 4.5-1c**). With implementation of these mitigation measures, potential mortality or injury to special-status aquatic species during the construction phase would be less than significant.

During the operational phase of the project, heavy flows in Fairfax Creek would be diverted into the Nursery basin for some period of time before the basin is opened to allow it to drain back into Fairfax Creek. It is possible that fish could enter the basin during this use. Fish entry in the Nursery Basin is expected to be infrequent, because operation of the diversion into it would only happen in large events. Also, because there are existing downstream barriers to anadromy, there is currently no potential for special-status fish species to reach the project site itself. However, there are populations of fish in this upper portion of Fairfax Creek. As described in Sections 3.4.2.1 and 3.5.3.1 of the project description, the basin designs include a sloped trash rack to allow fish to pass over it, reach the outlet pipe, and leave the basin along with the diverted water as it flows back into Fairfax Creek. The slope of the basin floor down to the outlet pipe will avoid fish stranding in the basin. Additional design-level modifications to the outlet end of the pipe will be developed in collaboration with the California Department of Fish and Wildlife and/or the National Marine Fisheries Service as part of the permitting processes, which is consistent with State CEQA Guidelines Section 15126.4. The effects on fish and other aquatic wildlife would be less than significant.

Habitat Modification or Loss

The Project would construct features within the channel and riparian corridor of Fairfax Creek at the Nursery Basin site, including a diversion structure and a side-weir to direct flows into the Nursery Basin, bank stabilization including rock riprap, the basin drainage outlet, and a floodwall at the top of the bank along Sir Francis Drake Boulevard. These features would together result in approximately 0.04 acre of permanent aquatic and wetland habitat loss in the creek channel and approximately 0.59 acre of permanent riparian habitat loss, as shown in **Table 4.5-3**. Construction of the Project features would result in approximately 0.02 acre of temporary aquatic and wetland impacts and approximately 0.42 acre of riparian habitat impacts. However, permanent loss of in-stream and riparian habitat from the Project elements at the Nursery Basin site is not expected to result in a measurable change in populations of the special-status aquatic species in the Fairfax Creek area. Therefore, impacts on aquatic species habitat are considered less than significant. Impacts to jurisdictional wetlands and other waters are discussed in detail in Impact 4.5-8.

The proposed Nursery Basin, if not designed properly, could directly result in adverse modifications to channel flows, changes to vegetation and hydrological changes, such that aquatic habitat functions could be degraded. To avoid these potential adverse effects, the proposed diversion structure and opening(s) within it would allow for a permanently open low-flow channel to enable movements of fish and wildlife within the creek channel. Further, the bank stabilization designs would include native tree plantings between rock riprap and as a result, limited riparian habitat functions would be restored within the bank stabilization areas over time.

**TABLE 4.5-3
PROPOSED PROJECT IMPACTS TO HABITAT**

Existing Habitats	Impact by Type (acres) ¹		Totals
	Permanent	Temporary	
Nursery Basin Site			
Aquatic	0.03	0.01	0.04
Wetland	0.01	0.01	0.02
Riparian	0.59	0.42	1.01
Oak Woodland	0.43	0.37	0.81
Annual Grassland	1.32	2.11	3.43
Developed	0.03	0.04	0.07
Totals	2.42	2.96	5.71
Downtown San Anselmo Site			
Aquatic	0.01	0.01	0.02
Riparian	0.00	0.10	0.10
Ornamental / Developed	0.00	0.05	0.05
Totals	0.01	0.16	0.17

NOTES:

¹ These habitat areas reflect approximate estimates based on aerial photo mapping and have not been field surveyed or verified.

² This category represents planted vegetation, including the lawn in Creek Park.

Maintenance activities within the Fairfax Creek channel also have potential to directly affect aquatic species and habitats. A sediment transport analysis of the Project suggests that sediments may deposit in the creek behind the diversion structure (CH2MHill, 2018c). To maintain the intended design capacity of the flood diversion and storage system, deposited sediment in the Fairfax Creek channel would need to be removed on a routine basis. As described in Chapter 3, *Project Description*, sediment removal would typically be conducted once annually during the summer dry season and possibly a second time in the winter season, if necessary, to restore channel capacity between large storm events and retain the functionality of the diversion structure and basin. Sediment removal would be conducted with excavators and/or backhoes working from the side-weir (between the creek channel and the basin) and a small bulldozer working in the channel. Temporary channel dewatering may be necessary to conduct winter sediment removal. The excavated sediment would be off-hauled and disposed at a local landfill. In-channel sediment removal activities in Fairfax Creek would temporarily increase turbidity and would also risk directly injuring individual fish or amphibians if water is present during maintenance activities. However, given the low frequency of sediment removal needs during the winter season (approximately once every 5 years on average), the short duration of in-channel ground-disturbance (approximately 6 days of work), and limited stream length in which this action would occur (approximately 400 feet between the diversion structure and the access bridge into the basin site) plus an additional length upstream of the access bridge, the magnitude of these effects would be reduced by implementation of impact avoidance work windows (**Mitigation Measure 4.5-1a**), careful dewatering and fish relocation using approved techniques and qualified personnel

(**Mitigation Measure 4.5-1b**), and conduct contractor environmental awareness training (**Mitigation Measure 4.5-1c**).

At the Downtown San Anselmo site, approximately 0.14 acre of channel and creek bed habitat would be restored, which would benefit special-status aquatic species. This includes approximately 0.10 acre of in-stream habitat and 0.04 acre of riparian habitat. No new or increased ground-disturbing maintenance activities are anticipated to be necessary at the Downtown San Anselmo site. There would be no significant impacts on special-status aquatic species or habitat at the Downtown San Anselmo site.

Water Quality Effects

Direct effects to special-status aquatic species and habitat in the Project area could arise during in-stream construction activities or other changes, including alteration of flow or water quality, that make habitat inhospitable for survival or reproduction. In creeks, construction and flow diversion associated with construction and operation activities has the potential to result in short-term disturbance and resuspension of sediments which can increase turbidity in the water column. Sediment resuspension may also increase the concentrations in the water column of chemicals sequestered in the sediment with potential toxicity to salmonids, other special-status fish, and other aquatic species, and result in adverse water quality and biological effects. At high levels, turbidity and suspended solids in the water column can lower levels of dissolved oxygen. However, after the initial spike in turbidity levels, sediments would disperse and background levels would likely be restored within hours of disturbance. Persistent elevated levels of turbidity would constitute a significant impact on aquatic species and habitat. However, implementation of **Mitigation Measure 4.5-1a** and compliance with a set of regulations described in full in Section 4.9, Hydrology and Water Quality, would address this potential effect.

Indirect Effects

During construction, downstream areas could experience increased turbidity, siltation, or other water quality conditions, including decreased dissolved oxygen levels, due to mobilization of sediment from construction activities. Following construction, increased turbidity and depressed oxygen levels would abate. Degraded water quality conditions indirectly caused by the Project would significantly impact aquatic habitat. However, implementation of **Mitigation Measure 4.5-1a** and compliance with a set of regulations described in full in Section 4.9, Hydrology and Water Quality, would address this potential effect.

Removal of trees and other vegetation in the riparian corridor could also adversely affect perennial stream habitat by reducing overstory shade at the Project site, which may reduce habitat quality in downstream areas by increasing water temperatures, increasing algal growth and lowering dissolved oxygen levels. Substantially depressed oxygen levels may cause respiratory stress to aquatic life, and when levels are depressed enough, may cause mortality. Persistent high water temperatures, algal growth, or low dissolved oxygen levels would constitute a significant impact on aquatic species and habitat. However, changes in overstory shading and subsequent indirect water quality effects would not substantially affect populations of special-status aquatic species. Following implementation of the Project, the channel at both sites would be wider with increased habitat diversity, such as slower flow pools, that would improve habitat conditions for

juvenile salmonids and amphibians. The anticipated reduction in flood frequency would reduce runoff and siltation in creek waters, which would have a beneficial impact on water quality and aquatic habitat. Ultimately, indirect impacts of the Project are anticipated to have a neutral to beneficial impact on aquatic species.

Mitigation Measure 4.5-1a: Seasonal Avoidance of Sensitive Aquatic Species.

In-water construction work, including activities on the banks that are expected to create turbidity or disturb the streambed, shall be conducted within resource agency-approved work windows intended to reduce potential impacts on salmonids (generally limiting work to the period between June 15 and October 15) with resource agency concurrence for the following exceptions:

- 1) Removal of debris, foundations, large amounts of trash or other manmade materials from the creek bed may continue year-round, in areas of the stream which are dry and where such activity shall not create turbidity.
- 2) Tree removal and invasive species removal may take place year-round, providing the area is free of nesting birds and roosting bats as provided under **Mitigation Measure 4.5-4**.
- 3) Revegetation activities may occur year-round.

Mitigation Measure 4.5-1b: Relocation of Special-Status Fish.

If in-channel work requires dewatering, including for sediment removal maintenance activities, fish shall be captured and relocated downstream of the Project areas to avoid injury and mortality and minimize disturbance. The Flood Control District shall implement the measures below, or whatever more stringent species preservation and avoidance measures are imposed by resource agencies, including NMFS and CDFW, with jurisdiction over aquatic special-status species.

- 1) The name(s) and credentials of qualified biologist(s) to act as construction monitors shall be submitted to CDFW and NMFS for approval at least 15 days before construction work begins.
- 2) Prior to and during the initiation of construction activities, qualified fisheries biologist (i.e., approved by CDFW and/or NMFS) shall be present during installation and removal of creek diversion structures.
- 3) For sites that require flow diversion and exclusion, the work area shall be blocked by placing fine-meshed nets or screens above and below the work area to prevent salmonids from re-entering the work area. To minimize the potential for re-entry, mesh diameter shall not exceed 1/8 inch. The bottom edge of the net or screen shall be secured to the channel bed to prevent fish from passing under the screen. Exclusion screening shall be placed in low velocity areas to minimize fish impingement against the mesh. Screens shall be checked periodically and cleaned of debris to permit free flow of water.
- 4) Before removal and relocation on individual fish begins, a qualified fisheries biologist shall identify the most appropriate release location(s). In general, release locations should have water temperatures similar to (<3.6°F difference) the capture location and offer ample habitat (e.g., depth, velocity, cover, connectivity) for

released fish, and should be selected to minimize the likelihood of reentering the work area or becoming impinged on exclusion nets or screens.

- 5) The means of capture shall depend on the nature of the work site, and shall be selected by a qualified fisheries biologist as authorized by CDFW and NMFS. Complex stream habitat may require the use of electrofishing equipment, whereas in outlet pools, fish and other aquatic species may be captured by pumping down the pool and then seining or dip netting. Electrofishing, if necessary, shall be conducted only by properly trained personnel holding current permits from CDFW and NMFS and following the most recent NMFS electrofishing guidelines (NMFS, 2000).
- 6) Initial fish relocation efforts shall be performed several days prior to the scheduled start of construction. Flow diversions and species relocation shall be performed during morning periods. The fisheries biologist shall survey the exclusion screening throughout the diversion effort to verify that no special-status fish, amphibians, or aquatic invertebrates are present. Afternoon pumping activities shall be limited and pumping shall be suspended when water temperatures exceed 18 degrees Celsius (64.5° F). Water temperatures shall be measured periodically, and flow diversion and species relocation shall be suspended if temperatures exceed the 18-degree limit under NMFS guidelines. Handling of fish shall be minimized. When handling is necessary, personnel shall wet hands or nets before touching them.
- 7) Prior to translocation, fish that are collected during surveys shall be temporarily held in cool, aerated, shaded water using a five-gallon container with a lid. Overcrowding in containers shall be avoided; at least two containers shall be used and no more than 25 fish shall be kept in each bucket. Aeration shall be provided with a battery-powered external bubbler. Fish shall be protected from jostling and noise, and shall not be removed from the container until the time of release. A thermometer shall be placed in each holding container and partial water changes shall be conducted as necessary to maintain a stable water temperature. Special-status fish shall not be held more than 30 minutes. If water temperature reaches or exceeds 18 degrees Celsius (USFWS 2012), the fish shall be released and relocation operations shall cease.
- 8) If fish are abundant, capture shall cease periodically to allow release and minimize the time fish spend in holding containers.
- 9) Fish shall not be anesthetized or measured. However, they shall be visually identified to species level, and year classes shall be estimated and recorded.
- 10) Reports on fish relocation activities shall be submitted to CDFW and NMFS in within one week.

Mitigation Measure 4.5-1c: Contractor Environmental Awareness Training and Site Protection.

All construction personnel that are working in areas of potential endangered species habitat shall attend an environmental education program delivered by a qualified biologist prior to working on either Project site. The training shall include an explanation as how to best avoid the accidental take of special-status species, including salmonids and other fish species, western pond turtle, California red-legged frog, and listed birds.

The training session shall be mandatory for contractors and all construction personnel. The field meeting shall include topics on species identification, life history, descriptions, and

habitat requirements during various life stages. Emphasis shall be placed on the importance of the habitat and life stage requirements within the context of maps showing areas where minimization and avoidance measures are being implemented. The program shall include an explanation of appropriate federal and state laws protecting endangered species.

The contractor shall provide closed garbage containers for the disposal of all trash items (e.g., wrappers, cans, bottles, food scraps). Work sites shall be cleaned of litter before closure each day, and placed in wildlife-proof garbage receptacles. Construction personnel shall not feed or otherwise attract any wildlife. No pets, excluding service animals, shall be allowed in construction areas.

Significance after Mitigation: Mitigation Measure 4.5-1a would restrict most work to seasons when creek flows are low and aquatic wildlife less likely to be present, thus reducing the direct and indirect effects of turbidity and other water quality-related impacts from in water work on aquatic wildlife. Mitigation Measure 4.5-1b would provide for the safe relocation of fish and other aquatic wildlife species, by resource agency-approved biologists and in accordance with approved resource agency methods, before in-water construction work could proceed. This would remove individuals of special-status aquatic species from the construction area. Mitigation Measure 4.5-1c would train the construction contractors on proper environmental practices and the requirements of issued regulatory permits, the relevant mitigation measures identified in this EIR, and the construction plans and specifications. In doing so, it would reduce the risk to special-status aquatic species and other wildlife species and habitats, as addressed in subsequent impacts. With implementation of these measures, this impact would be *less than significant*.

Impact 4.5-2: Project implementation could have substantial adverse effects on special-status plants. (*Less than Significant with Mitigation*)

Construction activities could affect special-status plants, if present, by trampling or removing them, or altering habitat to be inhospitable to plants, e.g., by removing shade or diverting water. These effects could occur in upland areas of Fairfax at the Nursery Basin site, and riparian areas of Fairfax Creek and San Anselmo Creek. However, because of the disturbed nature due to past development activities at the Project sites, it is unlikely that rare plants are present. However, should rare plants be present, their unauthorized destruction or removal or loss of their habitat during Project construction would be a significant impact. Implementation of **Mitigation Measure 4.5-2** would address this potential impact.

Mitigation Measure 4.5-2: Avoid Impacts to Rare Plants.

A qualified biologist shall conduct a pre-construction survey of each Project site for special-status plant species with the potential to occur within the area of disturbance. The survey shall be floristic in nature and shall follow the procedures outlined in the CDFW Publication *Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Natural Communities* (CDFW, 2009). The survey shall be conducted between April and July in conjunction with the blooming seasons of those rare plants with moderate potential to occur in the Project area.

If no special-status plants are observed during appropriately timed surveys by a qualified botanist, it is assumed the construction activity will have no impact on special-status plants and no further action is required.

If special-status plants are identified within the Project area, the individuals or populations shall be mapped and quantified and reported to the CNDDB, and the project manager shall be notified so that potential impacts to these known occurrences shall be avoided, when feasible. Coordination with CDFW and/or USFWS staff shall be conducted to establish appropriate avoidance and minimization measures if the species is federally or State listed. Avoidance and minimization measures may include:

- 1) No-disturbance buffers.
- 2) Work windows for low impact activities that are compatible with the dormant phase of a special-status plant life cycle but that may kill living plants or severely alter their ability to reproduce.
- 3) Silt fencing or construction fencing to prevent vehicles, equipment, and personnel from accessing the occupied habitat.
- 4) Erosion control BMPs such as straw wattles made of rice straw, erosion control blankets, or hydroseeding with a native plant seed mix to prevent sedimentation from upslope construction activities.
- 5) Before the construction activity commences, special-status plant occurrences shall be marked with pin flags in the field, and all maintenance personnel shall be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.
- 6) If needed a qualified biologist shall be present or on-call during construction activities to provide guidance on avoiding special-status plants, ensure that other avoidance measures (buffers, fencing, etc.) are observed, and to document the total impact of the maintenance activity, particularly if it is greater or less than anticipated.
- 7) In consultation with, and as authorized by, CDFW or USFWS, a qualified botanist may collect and spread seeds or relocate plants to appropriate locations.

Significance after Mitigation: Implementation of Mitigation Measure 4.5-2 would reduce this impact to less than significant by requiring pre-construction surveys and implementation of avoidance and minimization measures if rare plants are located within the Project site. This would reduce this impact to a *less-than-significant* level.

Impact 4.5-3: Project implementation could have substantial adverse effects on special-status amphibians. (*Less than Significant with Mitigation*)

Construction activities at Fairfax and San Anselmo Creeks could directly affect special-status amphibians, such as CRLF, WPT, and other special-status amphibians with low potential to occur such as foothill yellow-legged frog, if present (see Table 4.5-2). Although special-status amphibian species are not likely to breed in the Project sites, they may be present during foraging or dispersal movements and individuals could be subject to injury or mortality or to habitat loss

from construction traffic, vegetation removal, earth movement, water diversion, noise or light or human traffic. Mortality or injury to special-status amphibians, or destruction of substantial habitat, would be a significant impact. Disturbance of non-breeding habitat (i.e., foraging and dispersal habitat) is considered significant if movements of substantial numbers of individuals for an extended period of time results from the disturbance. These impacts would be addressed by **Mitigation Measure 4.5-3a** and **Mitigation Measure 4.5-3b**, as well as by the Mitigation Measure 4-5-1c and the various requirements to reduce increased turbidity and other water quality effects, discussed in Section 4.9 Hydrology and Water Quality.

Mitigation Measure 4.5-3a: Install Wildlife Exclusion Fencing.

The Flood Control District shall implement the measures below, or whatever more stringent California red-legged frogs (CRLF) and western pond turtle (WPT) preservation and avoidance measures are imposed by resource agencies with primary jurisdiction over special-status wildlife species, including USFWS and CDFW.

- 1) Before ground-disturbing activity occurs, the contractor shall install temporary exclusion/silt barrier fencing around the perimeter of the construction site. Fencing shall be installed to the extent necessary to exclude CRLF from the construction area (in areas with habitat), and minimize impacts to natural habitat. Fencing material shall provide for wildlife exclusion as well as maintenance of water quality. Construction personnel and construction activity shall avoid areas outside the fencing. The need for and exact location of the fencing shall be determined by a qualified biologist, with the goal of protecting sensitive biological habitat and water quality. The fencing shall be checked at regular intervals (e.g., weekly) and maintained until construction is complete at individual work sites. The fence shall contain exit funnels to allow any wildlife within the construction area to leave without human intervention while preventing entry into the construction zone. Exit funnels shall be placed at ground level no more than 100 feet apart along the fence, or as modified by a qualified biologist or as directed by resource agencies with primary jurisdiction over special-status wildlife species.
- 2) The fencing shall be monitored as prescribed in Mitigation Measure 4.5-3b.

Mitigation Measure 4.5-3b: Avoid Impacts to California Red-legged Frog and Western Pond Turtle.

The name(s) and credentials of the qualified biologist(s) to act as construction monitors shall be submitted to the USFWS for approval at least 15 days before construction work begins.

Prior to commencing work, an approved biologist shall survey the entire construction footprint for California red-legged frog and other special-status species with potential to be present, such as western pond turtle.

At the beginning of each workday that includes initial ground disturbance, including grading, excavation, and vegetation-removal activities, an approved biologist shall conduct on-site monitoring for the presence of these species in the area where ground disturbance or vegetation removal is planned. If required by the USFWS or CDFW, perimeter fences shall be inspected to ensure they do not have any tears or holes, that the bottoms of the fences are still buried, and that no individuals have been trapped in the fence.

All excavated or deep-walled holes or trenches greater than 2 feet deep shall be covered at the end of each workday using plywood, steel plates, or similar materials, or escape ramps shall be constructed of earth fill or wooden planks to allow animals to exit. Before such holes are filled, they shall be thoroughly inspected for trapped animals.

If a special-status species is present within the exclusion fence area during construction, work shall cease in the vicinity of the animal, and the animal shall be allowed to relocate of its own volition unless relocation is permitted by state and/or federal regulatory agencies.

The contractor shall maintain the temporary fencing—both exclusion fencing and protective fencing (if installed)—until all construction activities are completed. No construction activities, parking, or staging shall occur beyond the fenced exclusion areas.

Significance after Mitigation: Implementation of Mitigation Measure 4.5-3a would require installation of wildlife exclusion fencing to keep these special-status species out of the work areas and avoid adverse direct effects. Implementation of Mitigation Measure 4.5-3b would require daily construction monitoring and maintenance of exclusion fencing as necessary to avoid impacts to CRLF and WPT. Mitigation Measure 4.5-1c and the various requirements to reduce increased turbidity and other water quality effects, discussed in Section 4.9 Hydrology and Water Quality, together would reduce this impact to a *less-than-significant* level.

Impact 4.5-4: Project implementation could have substantial adverse effects on nesting birds. (*Less than Significant with Mitigation*)

As discussed in the Environmental Setting, habitat for nesting birds is present throughout the Project sites. Songbirds and raptors protected under the federal MBTA and California Fish and Game Code may nest in grassland, woodland, riparian and forest habitat. During construction, tree and shrub pruning or removal, and grading could directly impact nesting birds by damaging or destroying nests, causing adults to abandon nests, or directly killing or injuring nesting birds. Additionally, construction and maintenance activities may cause elevated sound levels and vibrations from heavy construction equipment that could cause adult birds to abandon nests, especially larger bird species or birds that are accustomed to relatively low ambient noise levels. Thus, construction activities could result in significant direct impacts to nesting special-status and migratory birds. These impacts would be addressed by **Mitigation Measure 4.5-4**.

Mitigation Measure 4.5-4: Avoid Impacts to Special-status and Nesting Birds, including Raptors and Northern Spotted Owls.

Tree removal activities shall be avoided during the nesting season (February 1 to August 31). Prior to any tree removal or construction in nesting season, a qualified biologist shall conduct a spotted owl and general nesting bird survey in each Project site and areas within 1/2-mile. Any identified spotted owl nesting areas or activity centers shall be flagged and avoided with a buffer of 1/4-mile throughout the active nesting season. Other nesting birds with active nests in the vicinity of the construction area shall be avoided by a buffer of 50 feet, or as determined in coordination with USFWS and CDFW. Construction work may continue outside of the no-work buffer. Northern spotted

owl nesting surveys shall be conducted in coordination with Marin County Parks and Point Blue Conservation Science (Point Blue, 2017).

Significance after Mitigation: Implementation of Mitigation Measure 4.5-4 would reduce impacts on nesting birds by limiting tree removal to the non-nesting season, require pre-construction surveys and no-work buffers, which would reduce direct and indirect effects on these species to levels that are *less than significant*.

Impact 4.5-5: Project implementation could have substantial adverse effects on Northern spotted owls. (*Less than Significant with Mitigation*)

Northern spotted owls are not likely to nest within the Project sites due to adjacent lack of habitat, proximity to high-travel roadways, and fragmented forest. However, at least five spotted owl territories are present in close proximity (as close as just over 1/4-mile away) to the Project sites (see Figure 4.5-4). Spotted owl activity centers include their nest territory and nearby foraging habitat, during nesting season (February 1 to August 31). Nearby nesting owls may be disturbed by tree removal or trimming or exposure to a substantial increase in noise or human presence during Project activities. The proposed construction window would overlap with the Northern spotted owl nesting season, and construction and maintenance activities that cannot be avoided within 1/4-mile of spotted owl activity centers may result in take of nesting owls. Owl foraging activities within the Project area are not likely to be affected because construction and maintenance activities would occur only during daylight hours. While the potential for disturbance of nesting owls is low, it cannot be discounted, and such disturbance would be a potentially significant impact. However, implementation of **Mitigation Measure 4.5-4** would address this impact.

Significant after Mitigation: Implementation of Mitigation Measure 4.5-4 would reduce impacts on Northern spotted owls by limiting tree removal to the non-nesting season, require pre-construction surveys and no-work buffers, which would reduce direct and indirect effects on these species to levels that are *less than significant*.

Impact 4.5-6: Project implementation could have substantial adverse effects on special-status bats. (*Less than Significant with Mitigation*)

Habitats within the Project sites have the potential to support roosting special-status bat species, including pallid bat and hoary bat. Construction activities such as tree and shrub removal, and grading could directly kill or injure roosting special-status bats, and elevated sound levels from construction and maintenance equipment could cause adult bats to abandon maternity roosts. Project construction activities could thus result in significant impacts to special-status bats. Implementation of **Mitigation Measure 4.5-6** would address this impact.

Mitigation Measure 4.5-6: Avoid Impacts to Special-status Bats.

Prior to any construction, a qualified bat biologist shall conduct a pre-construction survey for roosting bats in trees to be removed or pruned and structures to be demolished. If no roosting bats are found, no further action is required. If a bat roost is found, the following measures shall be implemented to avoid impacts on roosting bats.

If active maternity roosts are found in trees or structures that shall be removed or demolished as part of construction, tree removal or demolition of that structure shall commence before maternity colonies form (generally before March 1) or after young are flying (generally by July 31). Active maternal roosts shall not be disturbed.

If a non-maternal roost of bats is found in a tree or structure to be removed or demolished as part of construction, the individuals shall be safely evicted, under the direction of a qualified bat biologist and with approval from CDFW. Removal of the tree or demolition of the structure should occur no sooner than two nights after the initial minor site modification (to alter airflow), under guidance of the qualified bat biologist. The modifications shall alter the bat habitat, causing bats to seek shelter elsewhere after they emerge for the night. On the following day, the tree or structure may be removed, in presence of the bat biologist. If any bat habitat is not removed, departure of bats from the construction area shall be confirmed with a follow-up survey prior to start of construction.

Significant after Mitigation: Implementation of Mitigation Measure 4.5-6 would reduce this impact to less than significant by requiring pre-construction surveys to identify roosting bats and requiring actions to protect roosting bats, if present. The impact would be *less than significant*.

Impact 4.5-7: Project implementation could adversely affect sensitive natural communities. (*Less than Significant with Mitigation*)

This discussion focuses on the riparian corridor and oak woodland sensitive natural communities. Impact 4.5-8 addresses wetlands and other waters of the U.S. and waters of the State. The current distribution of existing habitat and vegetation communities at the two Project sites is presented in Table 4.5-1. Potential temporary and permanent impacts to existing habitat are presented in Table 4.5-3. Riparian habitat represents a relatively small percentage of total land cover across the regional landscape and is of high conservation value.

Nursery Basin

Approximately 1.02 acres of riparian habitat is present at the Nursery Basin site. To avoid and minimize impacts on sensitive natural communities, the geographic extent of adverse effects on vegetation related to Project construction are limited to the construction footprint and the immediate vicinity of the Project. However, as shown in Table 4.5-3, Project activities at the Nursery Basin site would result in permanent removal of approximately 0.59 acre of riparian habitat and approximately 0.42 acre of temporary impacts to existing riparian habitat. Although temporary impacts on riparian habitat would be restored through revegetation efforts as part of the Project, there would be permanent loss of riparian habitat at the Nursery Basin site.

Implementation of **Mitigation Measure 4.5-7a**, and **Mitigation Measure 4.5-7b** would address these potential impacts.

Approximately 0.81 acre of coast oak woodland habitat is present at the Nursery Basin site. Approximately 0.43 acre of oak woodland habitat would be permanently impacted by the Project and 0.37 acre would be temporarily impacted by the Project. Impacts to special-status species whom utilize oak woodland habitat are discussed in Impacts 4.5-2, 4.5-3, 4.5-4, 4.5-5, 4.5-6, and 4.5-9. Impacts to removal of trees at the Nursery Basin site are discussed in Impact 4.5-10. Mitigation measures identified in the referenced impact discussions would also address impacts to oak woodland habitat.

Downtown San Anselmo

Approximately 0.14 acre of riparian habitat is present at the Downtown San Anselmo site. Project activities at the Downtown San Anselmo site would result in approximately 0.10 acre of temporary impacts and no permanent impacts to existing riparian habitat. The removal of the building at 634-636 San Anselmo Avenue and the regrading of the banks to restore native riparian vegetation communities would result in approximately 0.04 acre of restored riparian habitat and approximately 0.10 acre of restored aquatic habitat. Project impacts on sensitive natural communities at the Downtown San Anselmo site would be neutral or beneficial.

Indirect Effects

Indirect effects of Project construction at both sites could create a favorable environment for invasive non-native plant species that are highly competitive in disturbed environments. Unintentional introduction of non-native plant or animal species is also possible. Project activities would involve clearing, grubbing, and excavation and grading using heavy equipment that could carry invasive non-native plants or plant pathogens from outside sources to the Project sites. Replanting native vegetation and monitoring the replanting effort would reduce the possibility of non-native species establishing in disturbed areas. However, the revegetation effort may adversely affect the habitat surrounding the Project sites by introducing non-native vegetation and/or plant pathogens on vehicle equipment or site restoration materials that do not currently occur within the watershed, which would be a potentially significant impact on sensitive natural communities. Implementation of **Mitigation Measure 4.5-7c** would address these potential impacts, as discussed below.

Mitigation Measure 4.5-7a: Vegetation Protection for Sensitive Natural Communities.

Prior to start of construction of any Project element, the extent of sensitive natural communities within the work area shall be identified by a qualified biologist experienced in the definition and recognition of these communities. The area of impact in sensitive natural communities shall be minimized by siting construction staging and access areas outside the limits of riparian and oak woodland vegetation (as determined during pre-construction surveys) and by utilizing previously-disturbed areas. Before construction begins, the Project engineer and a qualified biologist shall identify locations for equipment and personnel access and materials staging that will minimize riparian vegetation disturbance. When heavy equipment is required, unintentional soil compaction shall be minimized by using equipment with a greater reach, or using low-pressure

equipment. Temporary impacts on sensitive natural communities shall be mitigated by revegetation with native species, as required by Mitigation Measure 4.5-7b.

Mitigation Measure 4.5-7b: Habitat Restoration and Monitoring Plan.

The Flood Control District shall prepare a Habitat Restoration and Monitoring Plan for restoration following construction activities at both Project sites. The plan shall describe required salvage and replanting protocols prior to and after construction is complete and shall thereby reduce the long-term amount of losses of these natural communities. This plan shall include, but not be limited to, protocols for replanting of vegetation removed prior to or during construction, and management and monitoring of the plants to ensure replanting success pursuant to Marin County's Countywide Plan, Marin County Code, or Code requirements of the Town of San Anselmo, or by any more stringent requirements included in other permits issued for the Project.

The plan shall specify monitoring and performance criteria for the species planted, invasive species control criteria, as well as the best time of year for seeding to occur, pursuant to requirements of permits from the various resource agencies with regulatory purview over the Project. Revegetated areas shall be monitored for a five-year period to track progress toward performance criteria.

Native riparian vegetation within the Project sites shall be salvaged prior to construction and replanted after construction is completed. Areas impacted by construction-related activity shall be replanted or reseeded with native trees, shrubs, and herbaceous perennials and annuals from the watershed under guidance from a qualified biologist. Local plant materials shall be used for revegetation of the disturbed area. The plant materials shall include local cuttings from the local watershed or from adjacent watersheds. This shall ensure that the seeds can be collected during the appropriate season and the container plants shall be of an appropriate size for out-planting. Using local cuttings can reduce the length of this phase.

The Habitat Restoration and Monitoring Plan shall also address restoration of jurisdictional wetlands and waters. Temporary impacts to wetlands shall be restored onsite with native wetland species under guidance from a qualified biologist. Permanent impacts to jurisdictional wetlands shall be mitigated for by replacement on- or off-site at an equal ratio or whatever more stringent requirements are included in the permits to be issued for the Project.

The monitoring plan shall include annual monitoring of restored areas for at least 5 years. The plan shall contain vegetation management protocols, protocols for monitoring replanting success, and an adaptive management plan if success criteria are not being met. The adaptive management plan would include interim thresholds for replanting success and alternative management approaches, such as weed control or additional replanting, to undertake if thresholds are not met.

Mitigation Measure 4.5-7c: Avoid Spread of Invasive Species and Pathogens.

All vehicles and equipment entering each Project site shall be clean of noxious weeds. Noxious weeds could spread between sites as well as from outside the Project sites. All construction equipment shall be washed thoroughly to remove all dirt, plant, and other foreign material prior to entering the Project sites. Particular attention shall be shown to the under-carriage and any surface where soil containing exotic seeds may exist.

Arrangements shall be made for inspections of each piece of equipment before entering each Project site to ensure all equipment has been properly washed. Equipment found operating on the Project that has not been i.e., properly washed shall be shut down and may be subject to citation.

- 1) Certified weed-free permanent and temporary erosion control measures shall be implemented to minimize erosion and sedimentation during and after construction.
- 2) The contractor shall conform to applicable federal, state, and local seed and noxious weed laws.
- 3) Nursery operations where plants are stored, propagated, or purchased must certify implementation of best management practices to reduce pest and pathogen contamination within their nursery.
- 4) Disturbed and decompacted areas outside the restoration area shall be revegetated with locally native vegetation. Revegetated areas shall be protected and tended, including watering when needed, until restoration criteria specified by regulatory agency-issued permits is complete.
- 5) All tree removal and pruning activities shall include measures to avoid the spread of the Sudden Oak Death (SOD) pathogen. Such measures may include, but are not limited to the following:
 - i. As a precaution against spreading the pathogen, clean and disinfect pruning tools after use on confirmed or suspected infested trees or in known infested areas. Sanitize tools before pruning healthy trees or working in pathogen-free areas. Clean chippers and other vehicles of mud, dirt, leaves, organic material, and woody debris before leaving a site known to have SOD and before entering a site with susceptible hosts.
 - ii. Inform crews about the arboricultural implications of SOD and sanitation practices when they are working in infested areas.
 - iii. Provide crews with sanitation kits containing chlorine bleach, scrub brush, metal scraper, boot brush, and plastic gloves.
 - iv. Sanitize shoes, pruning gear, and other equipment before working in an area with susceptible species.
 - v. When possible, work on SOD-infected and susceptible species during the dry season (June-October). When working in wet conditions, keep equipment on paved, graveled, or dry surfaces and avoid mud. Work in disease-free areas before proceeding to infested areas.
 - vi. If possible, do not collect soil or plant material (wood, brush, leaves, and litter) from host trees in the quarantine area. Within the quarantine area, host material (e.g., wood, bark, brush, chips, leaves, or firewood) from tree removals or pruning of symptomatic or non-symptomatic host plants should remain onsite to minimize pathogen spread.
 - vii. Use all reasonable methods to sanitize personal gear and crew equipment before leaving a SOD infested site. Scrape, brush, and/or hose off accumulated soil and mud from clothing, gloves, boots, and shoes. Remove mud and plant debris by

blowing out or power washing chipper trucks, chippers, bucket trucks, fertilization and soil aeration equipment, cranes, and other vehicles. Restrict the movement of soil and leaf litter under and around infected trees as spores may be found there.

- viii. Tools used in tree removal/pruning may become contaminated and should be disinfected with alcohol or chlorine bleach.

Significance after Mitigation: Mitigation Measure 4.5-7a would reduce potential impacts on the riparian corridor and oak woodlands by limiting the impacts to designated Project construction limits and reduce or avoid impacts on the surrounding areas. Mitigation Measure 4.5-7b requires development and implementation of a habitat restoration and monitoring plan to restore, replace, and revegetate areas of impacted riparian and oak woodland habitat and specifies nature and requirements of that restoration, revegetation effort and its long-term monitoring. Mitigation Measure 4.5-7c would help protect these sensitive communities by specifying practices to clean construction equipment prior to entering the site and thus avoid spreading invasive species and pathogens. With implementation of these mitigation measures, as well as other compensatory mitigation measures expected from various permit conditions, this impact would be *less than significant*.

Impact 4.5-8: Project activities could adversely affect wetlands and other waters. (*Less than Significant with Mitigation*)

Project activities to build the Nursery Basin could affect any existing wetlands and other (non-wetland) waters in Fairfax Creek as a result of construction in the creek bed and along the lower banks of the creek channels including placement of the diversion structure, basin outfall installation, bank stabilization, grading for channel widening or deepening, and other activities including sediment removal maintenance activities. These effects are less likely at the Downtown San Anselmo site, where there would be work in the creek channel and along the banks, but the activities there would involve removing fill and restoring or enhancing the natural creek channel. There would be no permanent wetland losses at the Downtown San Anselmo site; only short-term disturbance. Table 4.5-3 presents the acreages of habitat effects at each Project site.

At the Nursery Basin site, the diversion structure, the basin outfall pipes, and the placement of bank stabilization would lead to permanent loss of approximately 0.01 acre of wetlands and approximately 0.03 acre of other waters. The Project would also temporarily impact approximately 0.01 acre of wetlands and 0.01 acre of other waters. The Project would not substantially change the existing ecological functions of the creek channel. However, unpermitted permanent loss of wetlands would be a potentially significant impact. In addition, Project elements that would place fill in jurisdictional waters of the U.S. and of the state (e.g., the diversion structure, slope transition structures, and scour protection) would require a Clean Water Act Section 404 permit from the USACE and a Section 401 water quality certification from the RWQCB. The Project cannot be constructed without these agency approvals.

Additionally, a seasonal channel and associated wetland area would be constructed at the Nursery Basin site using storm water flows from the adjacent neighborhood directed into the proposed Nursery Basin. These Project elements would provide enhanced aquatic and upland habitat compared to the grasses and ruderal vegetation currently present at this former nursery site.

At the Downtown San Anselmo site, the removal of existing fill (concrete foundations and other debris) from the San Anselmo Creek channels and the restoration of banks and adjacent riparian habitats would be an improvement to aquatic habitat in the larger Corte Madera Creek watershed over the long term.

At either site, indirect adverse effects on wetlands or other waters could result from increased turbidity or other impacts related to water quality during construction. However, these water-quality-related indirect effects to waters would be minimized by implementation of the SWPPP as required under the National Pollutant Discharge Elimination System permit program for construction activities (discussed further in Section 4.9, Hydrology and Water Quality). The SWPPP would identify specific best management practices for reducing construction water quality impacts, such as erosion and sediment control measures. Project elements that discharge fill to waters of the state (the diversion structure, slope transition structures, and scour protection) would also require acquisition of a Clean Water Act Section 401 water quality certification from the RWQCB. As part of the Section 401 certification, the Project would be reviewed to verify that it would not violate State water quality standards. Project construction and annual sediment removal maintenance activities would temporarily disturb any existing riverine wetlands and vegetation present within the creek bed and along the creek edges. Instream riverine wetlands are generally transient and seasonal, and vegetation would regenerate within one to two growing seasons when disturbed. These temporary impacts would be less than significant.

Significance after Mitigation: Impacts to wetlands and other waters would be minimized by implementation of **Mitigation Measures 4.5-7a** and **4.5-7b**, described above. **Mitigation Measure 4.5-7a** would minimize the area of sensitive natural communities, including wetlands and waters, impacted by construction. **Mitigation Measure 4.5-7b** requires development and implementation of a Habitat Restoration and Monitoring Plan for the site for replanting and maintenance of restored riparian areas as well as compensatory mitigation for wetlands permanently impacted by the Project. The plan applies restoration success criteria for maintenance of replanted or restored vegetation, pursuant to Marin County ordinances or any more stringent requirements of other permits issued for the Project. Implementation of **Mitigation Measures 4.5-7a** and **4.5-7b** would reduce the potential impact of the Project on wetlands and other waters of the U.S. to a *less-than-significant* level.

Impact 4.5-9: Project construction could adversely affect riparian wildlife movement corridors. (*Less than Significant with Mitigation*)

Riparian corridors are important for wildlife movement because they allow for cover, foraging, nesting, and shelter relatively protected from human disturbance and concealed from predators. In densely developed neighborhoods of Fairfax and San Anselmo, the creek banks and creek bed (in the dry season) provide critical movement corridors for special-status and general fish and

wildlife (discussed throughout this section) that retain populations in this area. Construction in the creek channel would temporarily disturb cover for and impede use of the creek as a potential wildlife movement corridor. During construction, impacts from the Project on wildlife movement corridors would be potentially significant.

The Nursery Basin site is adjacent to open space that provides valuable wildlife habitat. Approximately 0.21 acre of annual grassland upland habitat would be restored at the Nursery Basin, which would benefit terrestrial species. The Project would also place a diversion structure across the Fairfax Creek channel. However, the design for this structure include permanently open section(s) to enable movements of fish and wildlife within the creek channel and its surrounding riparian corridor. The project designs also include features to allow any fish that enter the basin during its use in flood water diversion to exit the basin along with detained water as it re-enters into Fairfax Creek (as described in the project description).

In the long term, Project activities at the Downtown San Anselmo site would restore and enhance the riparian corridor and potentially enhance water flow and wildlife forage and shelter opportunities. Upon Project completion, impacts on wildlife movement corridors would be less than significant.

Significance after Mitigation: Implementation of **Mitigation Measures 4.5-1a** described above, would restrict work activities to the months when sensitive aquatic species are less likely to be present. In addition, **Mitigation Measures 4.5-3b, 4.5-4, and 4.5-6** would require pre-construction surveys and implementation of measures to protect special-status species with the potential to occur at the Project sites. With implementation of these measures, impacts on riparian wildlife corridors would be reduced to a *less-than-significant* level.

Impact 4.5-10: Project construction would require tree removal. (*Less than Significant with Mitigation*)

A tree survey conducted in July 2017 identified all trees within the Nursery Basin site by species, size and conditions (Urban Forestry, 2017). Most trees on the site are aging bay trees, many of which are infested with rot. Many coast live oaks on the property are infested with Sudden Oak Death (SOD). The preliminary Project designs estimated that 156 of these were in the planned construction area and would be removed (see Figure 3-16 in *Chapter 3, Project Description*). Of the trees identified for removal as a part of the designs, 10 are Heritage Trees according to Marin County (5 bay trees, three redwoods, and two coast live oaks). An additional 95 trees are Protected Trees, of which 78 are bay trees, 8 are coast live oaks, 6 are California buckeye, 2 are big-leaf maple, and 1 is a redwood. An additional 13 trees of unknown species and size would be removed. Subsequent to the tree survey, the District removed 16 trees due to poor condition and imminent hazard to neighboring residences. Of these, 8 were eucalyptus, 4 were bay trees, two were Monterey cypress, and the remaining two were small shrubs (Moritz, 2018). The remaining total number of trees slated to be removed during Nursery Basin construction activities is 142.

At the Downtown San Anselmo site, eight trees would be removed, all of which are greater than 7 inches diameter at breast height. Two of these are redwood trees (*Sequoia sempervirens*) and six are white alders (*Alnus rhombifolia*). There are no heritage trees greater than 22 inches diameter at breast height.

The removal of heritage trees or riparian trees at either site would be a potentially significant impact. Implementation of **Mitigation Measure 4.5-10** would address this impact.

Mitigation Measure 4.5-10: Mitigation for Removal of Heritage or Protected Trees.

During construction, as much understory brush and as many native trees as possible shall be retained, to maintain shade-producing and bank-stabilizing vegetation for the creeks. All trees to remain during construction within the grading area shall be protected and trimmed if necessary to ensure their trunks and/or limbs are not disturbed during construction.

To mitigate for tree removal: For each tree to be removed, the Flood Control District shall plant a replacement tree of the same species or a suitable native species substitute, at a rate of one planting per tree removed or such other mitigation ratio requirements included in the LSAA to be obtained from CDFW (for riparian trees) or any applicable County and/or town recommendations (for heritage trees), and ensure that replacement trees are planted within or in the vicinity of the Project sites to the maximum extent practicable, as follows:

- 1) Trees shall be replaced within the first year after the completion of construction or as soon as possible after construction is completed.
- 2) Selection of replacement sites and installation of replacement plantings shall be supervised by an arborist or biologist with experience in restoration. Irrigation of tree plantings during the initial establishment period shall be provided as deemed necessary by an arborist or biologist, consistent with the site Habitat Restoration and Monitoring Plan (**Mitigation Measure 4.5-7b**).

Significance after Mitigation: Mitigation Measure 4.5-10 would mitigate for tree removal by requiring replacement of heritage trees and riparian trees at a ratio of 1:1 or greater if required by regulatory agency permits. In doing so, this measure would reduce this impact to a *less-than-significant* level.

4.5.4 References – Biological Resources

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4.6 Cultural Resources

This section presents and discusses the cultural resources associated with the San Anselmo Flood Risk Reduction Project (Project) construction, implementation, and operation. Also discussed are the environmental setting and regulatory framework, the significance criteria used for determining environmental impacts, and potential impacts associated with the Project. Cultural resources include architectural resources, prehistoric and historic-era archaeological resources, human remains, and tribal cultural resources. Paleontological resources are covered in Section 4.6, Geology, Seismicity, Soils, and Paleontological Resources.

4.6.1 Physical Setting

This section describes the regional context for the Project area, including the natural environment and resource setting and the local setting, which includes records searches and background research.

4.6.1.1 Regional Setting

Marin County's location places it between the Pacific Ocean and San Francisco Bay. Between these two bodies of water, a section of California's Coast Ranges includes a wide range of elevations, microclimates, and natural habitats. Elevations range from sea level up to Mount Tamalpais's summit at over 2,500 feet elevation. Approximately 50 percent of the land area in Marin County is under public management as parks, open space, conservation easements, and public watershed lands. Most development is in the eastern side of the county, between the San Francisco Bay and Mount Tamalpais. The remainder is generally in private ownership as grazing land and woodlands in the northern part of the county. Natural community types in the county include mixed evergreen forest, oak woodland, pine forest, Douglas fir/redwood forest, grassland, coastal beach dune, northern coastal scrub, chaparral, coastal salt marsh, riparian, and freshwater marsh. These communities support a wide range of plant and animal species, including many special-status species (Marin County, 2007a).

The highly varied topography of Marin County's portion of the Coast Ranges has created a complex set of steep and variable watersheds. Marin County does not have a single river system that dominates its hydrology. Rather, a large number of creeks and streams drain a complex set of major watersheds. The watersheds vary widely in terms of their drainage areas, slopes, and stream lengths, providing a range of aquatic habitats for fish and other species that use aquatic habitats.

Human modification of the natural landscape in Marin County has changed the composition of the plant communities, habitats, and wildlife that use them. The most prominent activities were agriculture, livestock grazing, timber operations, road building, and urban and suburban development, all of which began in the nineteenth century. Native perennial grasslands have been largely replaced by non-native annual grasslands, and a number of highly invasive species now threaten the remaining grasslands. Some of these land uses persist into the present day, including some grazing and urban/suburban development. Urban and suburban development have

contributed to considerable fragmentation of the remaining natural areas associated with the system of local parks and open space lands along stream corridors and ridgelines throughout the more developed areas in the eastern side of the county.

Prehistoric Context

Categorizing the prehistoric period into cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given timeframe; thereby, creating a regional chronology. Milliken et al. (2007) provide a framework for the interpretation of the San Francisco Bay Area (Bay Area) and have divided human history of the region into four periods: the *Paleoindian Period* (11,500 to 8000 B.C.), the *Early Period* (8000 to 500 B.C.), the *Middle Period* (500 B.C. to A.D. 1050), and the *Late Period* (A.D. 1050 to 1550). Economic patterns, stylistic aspects, and regional phases further subdivide cultural patterns into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

The *Paleoindian Period* (11,500 to 8000 B.C.) was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the *Paleoindian Period* has not yet been discovered in the Bay Area. During the *Early Period* (*Lower Archaic*; 8000 to 3500 B.C.), geographic mobility continued from the *Paleoindian Period* and is characterized by the millingslab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut-shell beads and the mortar and pestle are documented in burials during the *Early Period* (3500 to 500 B.C.), indicating the beginning of a shift to sedentism. During the *Middle Period*, which includes the *Lower Middle Period* (500 B.C. to A.D. 430), and *Upper Middle Period* (A.D. 430 to 1050), geographic mobility may have continued, although groups began to establish longer-term base camps in localities from which a more diverse range of resources could be exploited. The first rich midden sites are recorded from this period. The addition of milling tools, obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the *Upper Middle Period*, highly mobile hunter-gatherers were increasingly settling down into numerous small villages. Around A.D. 430 a dramatic cultural disruption occurred as evidenced by the sudden collapse of the *Olivella* saucer-bead trade network. During the *Initial Late Period* (A.D. 1050 to 1550), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

Previous Archaeological Studies

Many of the original surveys of archaeological sites in the Bay Area were conducted by N.C. Nelson of the University of California, Berkeley between 1906 and 1908. These surveys yielded the initial documentation of nearly 425 earth mounds and shell heaps along the coast from the Russian River in Sonoma County to Half Moon Bay in San Mateo County and along San Francisco Bay's shoreline (Nelson, 1909). From these beginnings, the most notable sites in the Bay Area excavated scientifically included the Emeryville shell mound (designated as CA-ALA-309), the Ellis Landing Site (CA-CCO-295) in Richmond, and the Fernandez Site (CA-CCO-259)

in Rodeo Valley (Moratto, 1984). These dense midden sites are vast accumulations of domestic debris and date back to over 2,000 years ago. For example, the Emeryville shell mound is dated at approximately 2,310 years old (± 220 years).

A framework for the North San Francisco Bay Area has been suggested using data from sites along Marin County's bay shoreline as well as locales further north in the Santa Rosa plain and the Sonoma and Napa valleys (Milliken et al., 2007:104, Figure 8.4). One of the earliest San Francisco Bay sites is CA-MRN-17, located on De Silva Island in Marin County. While the upper midden yielded Late Period materials, the 6-meter-deep deposits yielded a radiocarbon date of approximately 3430 B.C. and contained handstones and heat-affected chert (Breschini in Stewart and Praetzelis, 2003:115). Another early North Bay site is CA-SON-20 located east of Santa Rosa where the Spring Lake aspect of the Borax Lake pattern (6500 B.C. to 3500 B.C.) has been defined. Large wide-stemmed projectile points, many of which are made from Borax Lake obsidian from Lake County, have been uncovered and the site is thought to represent a mobile forager economic pattern from the Lower Archaic Period (Fredrickson, 1973). Data from the Santa Rosa plain also indicates that this forager pattern developed into more localized foraging of the Mendocino Pattern (3500 B.C. to A.D. 100), which included the chert-using Black Hills aspect. Fredrickson (1974), and later Jones and Hayes (1993), suggested overlapping use of the area by collectors using semi-permanent villages sometime between 1500 B.C. to A.D. 1000.

Subsistence-based studies (Bennyhoff in Moratto, 1984:262) have been conducted using data from North Bay sites concluding a shift from oyster to mussel harvesting during the break between the Lower and Upper Middle periods (cal A.D. 430) and then a second shift to clam digging during the Late Upper Middle Period (cal A.D. 800). The shifts may reflect oyster overexploitation and environmental factors (Jones, 1991:4). During the Terminal Late Period, beginning around A.D. 1550, numerous new technologies and patterns appeared, first in the North Bay. These include the toggle harpoon, hopper mortar, corner-notched arrow-sized projectile point, clamshell disk beads, magnesite tube beads, and secondary cremation. The shift may be due to one or many factors including population expansion or movements, as well as the spread of European-introduced epidemics north from Mexico (Milliken et al., 2007:118).

Geoarchaeological Context

The California coast has undergone dramatic landscape changes since humans began to inhabit the region more than 10,000 years ago. Rising sea levels and increased sedimentation into streams and rivers are among some of the changes (Helley et al., 1979). In many places, the interface between older land surfaces and Holocene-age landforms are marked by a well-developed buried soil profile, or a paleosol. Paleosols preserve the composition and character of the earth's surface prior to subsequent sediment deposition and thus have the potential to preserve archeological resources if the area was occupied or settled by humans (Meyer and Rosenthal, 2007). Because human populations have grown since the arrival of the area's first inhabitants, younger paleosols (late Holocene) are more likely to yield archeological resources than older paleosols (early Holocene or Pleistocene). Other criteria used to measure the archaeological sensitivity of a given area include the following:

1. Archaeological sites tend to be near perennial water sources.

2. Archaeological deposits from successive time periods are more common because the density of human populations increased over time.
3. The longer a landform remained at the surface, the greater the likelihood that any one spot on that landform was occupied (Meyer in Ruby, 2010).

As indicated by geologic maps, both the former Sunnyside Nursery site and the Downtown San Anselmo site are in a Holocene-age alluvial deposit associated with Fairfax and San Anselmo Creeks (Witter et al., 2006). Soils are classified as Urban Land, including engineered native soils and imported fill, and sandy clay loams of the Xerorthents complex (Natural Resources Conservation Service, 2017). This geologic formation has the potential to contain archaeological sites buried by natural alluvial processes (Meyer and Rosenthal, 2007). Despite the general sensitivity for deeply buried archaeological sites in Holocene-age alluvium, few sites in this context have been uncovered in Marin County.

Ethnographic Context

The Project is within the ethnographic territory of the Coast Miwok (Barrett, 1908; Kelly, 1978; Kroeber, 1925). The Coast Miwok language, a member of the Miwok subfamily of the Penutian family, is divided into two dialects: Western (or Bodega) and Southern (or Marin) which in turn is subdivided into valley and coast. Miwok refers to the entire language family that was spoken by Coast Miwok, as well as Lake, Valley, and Sierra Miwok. Coast Miwok territory encompassed all present-day Marin County and parts of Sonoma County, from Duncan's Point on the coast to between the Sonoma and Napa rivers. Each large village had a tribal leader, but there does not appear to have been any defined broader-scale organization (Kelly, 1978:414).

Much of the information about post-contact Coast Miwok material culture and lifestyles was gathered from two informants, Tom Smith (Bodega dialect) and María Copa (Marin dialect) (based on Kelly's field notes from 1931 to 1932). Settlements focused on bays and estuaries, or along perennial interior watercourses. The economy was based on fishing, hunting, and gathering, and revolved around a seasonal cycle during which people traveled throughout their territory to make use of resources as they became available. Marine foods, including kelp, clams, crabs, and especially fish, were a year-round staple. Acorns were gathered in season and stored for use throughout the year. Tobacco was used by most men (Kelly, 1978:417).

By the mid-1800s Spanish missionization, diseases, raids by Mexican slave traders, and dense immigrant settlement had disrupted Coast Miwok culture, dramatically reducing the population and displacing the native people from their villages and land-based resources. By the time of California's initial integration into the United States in the late 1840s, the Coast Miwok population had dwindled from approximately 2,000 individuals to one-eighth of its size before European contact (Kelly, 1978:414).

In 1920, the Bureau of Indian Affairs purchased a 15.45-acre tract of land in Graton for the Marshall, Bodega, Tomales, and Sebastopol Indians. This land was put into a federal trust and these neighboring peoples, that included both Coast Miwok and Southern Pomo, were consolidated into one recognized group: the Graton Rancheria. In 1958 the U.S. government

enacted the Rancheria Act of 1958, transferring tribal property into private ownership. Forty-four Rancherias in California were affected, including the Graton Rancheria.

Since then, tribal members have continued to protect their cultural heritage and identity despite being essentially landless. On December 27, 2000 President Clinton signed into law legislation restoring federal recognition to the Federated Indians of Graton Rancheria. The tribe currently has approximately 1,100 members. The tribe employs a Tribal Historic Preservation Officer¹ and is engaged in the protection and interpretation of their tribal cultural resources.

Historic Background

The name Marin County is purportedly derived from a famous Lacatuit Chief, whose people originally occupied this northern San Francisco Bay territory (Goerke, 2007). Following the alleged arrival of Sir Francis Drake, Sebastian Rodriguez Cermeño anchored off the Coast of Marin County in 1595. A Portuguese explorer sailing for Spain, Cermeño was ordered to explore more of the coast of California and it was during this trip that his ship, the San Agustín, was shipwrecked at Drakes Bay. While his crew built a new vessel, Cermeño explored the Marin County area. A permanent Hispanic settlement in Marin County was eventually achieved in 1817 when the Mission San Rafael was established by Padres Amaroso and Cijos (Hoover et al., 2002).

During the Mexican Period (1821 to 1848), the land within Marin County was divided into several ranchos. The Project area is within the Rancho Cañada de Herrera for which Domingo Sais, a soldier from the Presidio in San Francisco, was granted 6,658 acres in 1839. The discovery of gold in 1848 led to a huge population boom in California, with settlers establishing themselves on Sais' land grant. The 1851 California Land Claims Act required Mexican landowners in California to prove the validity of their claim on land held under Mexican titles. Sais' grant was patented in 1853 (Rawls and Bean, 2002). When he died a few months later, James Black and George W. Cozzens purchased a portion of the land grant from Sais' widow.

The Town of San Anselmo is on the north end of the Ross Valley. Prior to 1875, the valley and its communities predominantly centered on the primary waterways spanning the valley that allowed access to San Francisco. The region was densely forested and overland travel via carriage was difficult. Western Marin focused on access to the Pacific Ocean, and Eastern Marin on Petaluma Creek. The Town of San Anselmo, known as "The Hub of Marin" was the epicenter of a collection of roads extending to Bolinas, Lagunitas, San Rafael, and the San Francisco Bay (San Anselmo Historical Society, No Date).

The 1875 opening of the North Pacific Coast Railroad greatly improved regional travel. The railroad company connected Sausalito to San Rafael, then west through the Town of San Anselmo (then "Junction") and on to Tomales Bay and the Russian River. The railroad provided easy access to the redwood stands desired by the booming timber industry. The North Pacific Coast became the North Shore Railroad in 1902, and then part of the Northwestern Pacific Railroad in 1907. Southern portions of the line were standard gauged and electrified for suburban

¹ Section 101(d)(2) of the NHPA allows tribes to assume any or all the functions of a State Historic Preservation Officer (SHPO) with respect to tribal land.

passenger service in the early 1900s, though tracks north of Point Reyes Station remained narrow gauge until that line's abandonment in the 1930s (San Anselmo Historical Society, No Date).

In the 1880s, Junction was renamed San Anselmo (from Cooper's original land grant), and in 1892 the San Francisco Theological Seminary was built, which provided impetus for the Town to grow. The railroad provided access for both students and summer vacationers, and after the 1906 earthquake summer residents seeking to escape San Francisco purchased land and built permanent homes. In 1907 the Town incorporated, and the 1937 completion of the Golden Gate Bridge brought another boom of new residents. Passenger train service to San Anselmo ended in 1941, and freight service the next year (San Anselmo Historical Society, No Date). In the post-war period, the downtown shopping district of the Town of San Anselmo, including San Anselmo Avenue, underwent a partial renewal, with buildings from the 1920s and 1930s renovated with updated storefronts and facades reflecting a more modern aesthetic.

Flooding in San Anselmo

The San Anselmo Historical Society website includes an article on the history of flooding in the area, and begins with the explanation that:

“San Anselmo Creek actually changed its course during a severe rainstorm long before the town was situated here. The original creek channel ran along Laurel Avenue winding in a southerly direction crossing San Rafael, Tamalpais, Magnolia, Tunstead (at mid-block), and Pine Street, but a debris or log jam in the late 1860s caused the creek to bend to the other side of today's Center Boulevard and carve its present course through our downtown. In 1875, the North Pacific Coast Railroad completed its line through San Anselmo west to Tomales. The railroad, built a berm four to five feet above the valley floor on which the tracks west from San Anselmo were laid. The berm, upon which Center Boulevard runs today, narrowed the flood plain and caused the new creek channel to become more deeply incised.”

Major floods resulted from strong storms in 1921, 1925, 1931, 1940, 1943, 1953, 1969, 1982-3, 1986, and 2005, and water overflowed the creek bank onto the streets, including San Anselmo Avenue. The resulting damage to property and goods was at times exacerbated through the construction of buildings immediately adjacent to the creek. During the 1940 storm, the service station at 634 San Anselmo Avenue was blamed for considerable flooding damage. The *San Anselmo Herald* reported on February 29, 1940:

“A phenomenal rainfall brought San Anselmo Creek up to its highest since 1925 Monday evening with a high tide in sight... At midnight the waters of the creek rose so high that they went above the lower level of the service station on San Anselmo Avenue opposite the corner of Tamalpais and San Anselmo. Things moved rapidly after that. The waters began careening off the service station foundations into San Anselmo Avenue. They rapidly filled up San Anselmo Avenue from curb to curb. They crept towards the doors of business houses, where in most instances they were stopped by the sandbags. But not everywhere...But fortunately the loss was confined to one block on San Anselmo Avenue, as the water took a swirl around the corner east on Tunstead and back into the creek.

The San Anselmo Public Library had to be pumped out by firemen. There was three feet of water in the basement, but the damage was small.

Many citizens claim that the oil station on San Anselmo Avenue at Tamalpais was allowed to sink its concrete foundations too low. The station entirely spans the creek.”

4.6.1.2 Project Area Setting

Northwest Information Center Database Search

The California Office of Historic Preservation is an information repository for historical resources in California. The Office of Historic Preservation administers the California Historical Resources Information System (CHRIS). CHRIS information is disseminated primarily through records searches and reviews of historical resource data files for specific geographic areas.

ESA cultural resources staff conducted a records search at the Northwest Information Center of the CHRIS on May 9, 2017 (File No. 16-1784) (NWIC, 2017). The records search included a review of archaeological sites in the Project area and a one-half mile radius around proposed elements and a review of architectural resource (i.e., buildings and structures) within and immediately adjacent to proposed elements (records search radius). The Historic Property Data File for Marin County also was reviewed, which contains information on sites of recognized historical significance—including those evaluated for listing in the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), the California Inventory of Historical Resources, California Historical Landmarks, and California Points of Historical Interest. The purposes of these reviews were to: (1) determine whether known architectural or archaeological resources have been recorded within the records search radius; (2) assess the likelihood of unrecorded cultural resources based on historical references and the distribution of nearby sites; and (3) develop a context for the identification of historical themes.

Table 4.6-1 provides the results of the records search.

Based on the Northwest Information Center records search there are no previously recorded archaeological resources in the Project area. There are three previously recorded archaeological resources within the records search radius (one-half mile radius) of the Downtown San Anselmo site. There are no previously recorded archaeological resources in the records search radius of the former Sunnyside Nursery site.

There are no previously recorded architectural resources in the records search radius (within, adjacent to, and across from) of the former Sunnyside Nursery site. There are four previously recorded architectural resources in the records search radius of the Downtown San Anselmo site, including one of the two buildings in the Project area.

Numerous buildings in downtown San Anselmo have been recorded as part of several historic building surveys, including documentation in 1987 by the San Anselmo Historical Commission. Many buildings are listed on the Historic Property Data File as individual properties that are eligible for local listing or designation (5S2), including 630 San Anselmo Avenue, which is in the Downtown San Anselmo site.

**TABLE 4.6-1
CULTURAL RESOURCES IN THE RECORDS SEARCH RADIUS**

Primary	Trinomial	Name	Resource Type	Date Recorded	Distance from Project
Archaeological Resources					
P-21-000104	CA-MRN-74	Nelson No. 74	AP04 (Bedrock milling feature); AP09 (Burials); AP15 (Habitation debris)	1907 (N.C. Nelson, University of California, Berkeley); 2002 (Stephen Bryne, Garcia and Associates)	Northwest of downtown San Anselmo
P-21-000294	CA-MRN-311	Nelson No. 74A	AP15 (Habitation debris)	1911 (N.C. Nelson); 1992 (Sunshine Psota, Anthropological Studies Center); 1993 (College of Marin Students, College of Marin)	Southeast of downtown San Anselmo
P-21-002621	--	112 Madrone Avenue	AP09 (Burials); AP16 (Other) - associated burial artifacts	2006 (Stephen Bryne, Kruger Frank, Caltrans District 4)	Northwest of downtown San Anselmo
Architectural Resources					
P-21-001567	--	Paper Ships (630 San Anselmo Avenue)	HP6. 1-3 story commercial building – Rated 5S2 (Individual property that is eligible for local listing or designation)	1987 (San Anselmo Historical Commission)	Within downtown San Anselmo site
P-21-001568	--	Hearthrobs / Hildas (637 San Anselmo Avenue)	HP6. 1-3 story commercial building – Rated 5S2 (Individual property that is eligible for local listing or designation)	1987 (San Anselmo Historical Commission)	Across from downtown San Anselmo site
P-21-001569	--	Whalen Building	HP6. 1-3 story commercial building – Rated 7N (Needs to be reevaluated)	1987 (San Anselmo Historical Commission)	Across from downtown San Anselmo site
P-21-001570	--	--	HP6. 1-3 story commercial building – Rated 5S2 (Individual property that is eligible for local listing or designation)	1987 (San Anselmo Historical Commission)	Across from downtown San Anselmo site

SOURCE: NWIC, 2017

Native American Consultation and Tribal Cultural Resources

On April 10, 2017, the Marin County Flood Control and Water Conservation District (Flood Control District) sent letters to the Federated Indians of Graton Rancheria and the Ione Band of Miwoks, the federally recognized tribe in Marin County. The letter included a brief description of the Project and a map.

Architectural Survey and Evaluation

ESA architectural historian Katherine Anderson conducted a site visit on May 30, 2017. Four buildings are in the Project area that will be demolished as part of the Project: 630 San Anselmo Avenue and 634–636 San Anselmo Avenue in the Downtown San Anselmo site, and 3000 Sir Francis Drake Boulevard (two buildings) in the former Sunnyside Nursery site. The buildings were recorded on Department of Parks and Recreation 523 forms.

3000 Sir Francis Drake Boulevard

The former Sunnyside Nursery site is occupied by two buildings, a residence and an art studio. Several sheds and other remnant structures related to the former nursery have already been removed. The residence and art studio are near the northwest quadrant of the parcel, in an area surrounded by mature trees. Building 1 is a one-story residence that is rectangular in plan. It is clad in board and batten and horizontal wood siding. It is capped by a flat roof with deep eaves. The building is partially obscured by climbing plants and large, flowering shrubs. Building 2 is a modified Quonset hut that houses an art studio.

The parcel is at the foot of White Hill ~~in~~ adjacent to the Town of Fairfax and west of the Oak Manor neighborhood, which was developed as a residential subdivision in the early 1950s. The parcel was formerly the growing grounds for the Sunnyside Nursery, which was located at 130 Sir Francis Drake Boulevard in nearby San Anselmo (extant) and operated from 1940 until 2015. The growing grounds, formerly a dairy ranch, were purchased in 1948 by Donald C. Perry (1901–1987), the original owner of Sunnyside Nursery, and operations began that year. In 1958, the nursery produced 50,000 plants and 200 varieties, and a newspaper article published on April 23, 1960 described the nursery as “probably the most continuously productive eight acres in all of Marin County.” For more than 55 years, the growing grounds opened to the public twice each year for special sales events.

Beginning in the late 1970s, Perry’s grandsons, brothers Tom (b. 1953) and Ross Perry (b. 1956), managed the business and property. In 2001, Sunnyside Nursery was selected Business of the Year by the San Anselmo Chamber of Commerce and was honored at the County of Marin’s annual Spirit of Marin ceremony. In 2015, the County Board of Supervisors adopted a resolution commending Sunnyside Nursery and the Perry Family for 75 years of service to the community. Tom and Ross Perry and their brother James Warren Perry (b. 1958) co-owned the parcel and the growing grounds ceased operations in November 2014.

ESA architectural historians evaluated the buildings at 3000 Sir Francis Drake Boulevard for their potential historical significance under California Register criteria 1 through 4. The two buildings at 3000 Sir Francis Drake Boulevard do not meet any of the California Register criteria, and they retain a low-to-moderate degree of integrity. ESA recommends the buildings at 3000 Sir Francis Drake Boulevard are not eligible for listing in the California Register.

630 San Anselmo Avenue and 634–636 San Anselmo Avenue

The Downtown San Anselmo site is occupied by two buildings separated by a paved parking area and a segment of the south bank of San Anselmo Creek. A wooded park with a paved walkway is on the north side of the parcel. The building at 634–636 San Anselmo Avenue is a one-story

commercial building that is irregular in plan and is capped by a series of flat roof forms. The building is elevated over San Anselmo Creek, which is visible on the northwest and southeast sides of the building. The building at 630 San Anselmo Avenue is a small, one-story commercial building that is irregular in plan. It is constructed of concrete masonry units and is capped by a hipped roof clad in composition shingles. Note that this building is not included in the updated Project construction footprint for this Project and would not be removed or affected by the work, but this text includes the results of the desktop research and field survey for it for context and completeness.

The buildings have been occupied by a variety of businesses since they were constructed in 1938. At the address 634 San Anselmo Avenue, these businesses include the C.W. Caletti Service Station (1938), Henrietta Style Shop (1940), Rio Grande Service Station (1941), Wollman Tire Co. and Packard Taxi (1945), Larkspur Pet Shop a.k.a. Griff's Rod & Dog Shop (1951), Lee's Tune-Up Service and Chevron Service Station (1953–1961, owned by Licinio Busolo), Prishman Auto Repair (1967–1972), and Ted Smith Realtors and coffee shop (1972–1977 or possibly later). The earliest newspaper mention of the address 636 San Anselmo Avenue was in 1974 when The Arbor Restaurant opened “in the Ted Smith Realtors building.” A 1965 newspaper article describes the history of 630 San Anselmo Avenue: “San Anselmo’s tiniest downtown commercial building... was built shortly after World War II as a taxi stand and since then has served variously as a real estate office, beauty salon, hat store, artist’s studio—and probably in a number of other categories.” The building at 634–636 San Anselmo Avenue is currently occupied by The Ranch Salon, San Anselmo Optometry, Coldwell Banker, and L’Appart Resto. The building at 630 San Anselmo Avenue is occupied by the Michael Feldman Gallery.

According to the Marin County Historic Property Data File managed by the California Office of Historic Preservation, many of the commercial and residential buildings in downtown San Anselmo have been surveyed at various times, and many were rated as individual properties eligible for local listing or designation (5S2). This includes documentation of several properties in 1987 by the San Anselmo Historical Commission. The building at 630 San Anselmo Avenue was recorded at that time and provided the designation of 5S2, although no evaluation documentation was discovered. The building at 634–636 San Anselmo Avenue has not been previously surveyed or evaluated.

ESA architectural historians evaluated the buildings at 630 and 634–636 San Anselmo Avenue for their potential historical significance under California Register criteria 1 through 4. The buildings at 630 and 634–636 San Anselmo Avenue have functioned as commercial buildings that housed several different businesses during the mid- and late-20th century. In summary, the buildings at 630 and 634–636 San Anselmo Avenue do not meet any of the California Register criteria and retain a low degree of integrity. ESA recommends the buildings at 630 and 634–636 San Anselmo Avenue not eligible for listing in the California Register.

The building at 630 San Anselmo Avenue was included as part of the 1987 historic building inventory conducted by the San Anselmo Historical Commission. However, this earlier evaluation does not meet contemporary professional standards for evaluation, and as such the building was re-evaluated for its eligibility for listing in the California Registers and found

ineligible as noted above. The Town of San Anselmo does not maintain a formal list of historical landmarks, nor a historic preservation ordinance or list of criteria for potential local significance. In spite of the Historic Property Data File designation, without formal significance criteria or a historic preservation ordinance, there are no criteria to provide criteria or an ordinance by which to evaluate the building for local eligibility.

Archaeological Surface and Subsurface Survey

An ESA archaeologist completed a surface survey of the Project area on May 23 and 30, 2017. All areas of proposed ground disturbance were walked in narrow transects to provide an overall assessment of existing conditions.

Visibility at the former Sunnyside Nursery site varied from dense vegetation to bare areas with clear visibility. Soil was a light brown silty sand with some artificially graveled areas. The former Sunnyside Nursery site has been highly disturbed from the previous constructions and operations. No archaeological resources or other evidence of past human use or occupation—such as midden soil, shell, and lithic fragments or historic-era artifact concentrations of glass, ceramic, or metal—were identified during the survey at the former Sunnyside Nursery site.

Visibility at the Downtown San Anselmo site also varied from obscured due to existing buildings and infrastructure to clear visibility along the creek banks. Soil, when visible, was a dark brown silty loam. The creek banks are relatively steep and highly disturbed from existing buildings and infrastructure as well as previous flooding events. No archaeological resources or other evidence of past human use or occupation—such as midden soil, shell, and lithic fragments or historic-era artifact concentrations of glass, ceramic, or metal—were identified during the survey at the Downtown San Anselmo site.

On September 15, 2017, ESA archaeologists completed a subsurface survey of the former Sunnyside Nursery site to identify the presence or absence of subsurface prehistoric archaeological resources. This was accomplished by excavating 10 trenches using a mechanical backhoe with a flat-bladed bucket. The trenches were 3 feet (0.9 meter) wide, up to 13 feet (4 meters) long, and up to 12 feet (3.7 meters) deep. The depth of the trenches varied based on the results of adjacent trenches, the soil stratigraphy, and distance from Fairfax Creek. Each trench location was given a unique field designation and was plotted using ArcGIS Collector. Sample buckets of soil from approximately 12-inch (30-cm) layers were dry-screened through a one-quarter-inch (0.6-cm) mesh screen and examined for cultural materials. The trenches were backfilled with the spoils. The Flood Control District provided the backhoe and operator. Underground utilities had been previously designated and marked by the Flood Control District, and trenches were only placed only in areas that have been cleared of utilities.

In summary, no cultural materials or other evidence of past human use or occupation was identified in any of the trenches. **Table 4.6-2** summarizes the results of the subsurface survey.

**TABLE 4.6-2
SUBSURFACE SURVEY RESULTS**

Trench No.	Length (in feet)	Width (in feet)	Depth (in feet)	Notes / Summary
TR-01	12	3	9	Layered gravel channel – fill to depth
TR-02	13	3	6.5	Interbedded gravels, sandy silt layers, distinct stratigraphic change to silt layers at 6 feet
TR-03	12	3	11	Potential buried A horizon at 9 feet
TR-04	12	3	10	Clayey silt, coarse sand at 8 feet
TR-05	12	3	5	Gravels with clayey silt, trace charcoal
TR-06	12	3	5	Clayey silt, trace charcoal
TR-07	12	3	12	Gravels with sand/silt, Approximate water table at 8 feet, wet sandy clay mottled with trace charcoal
TR-08	12	3	4	Gravels with sand/silt, clayey silt with sand
TR-09	12	3	4	Gravels with sand/silt, clayey silt with sand
TR-10	12	3	4	Clayey silt with gravels, gravels

4.6.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.6.2.1 Federal Regulations

National Historic Preservation Act of 1966, as amended

Effects of federal undertakings on historical and archaeological resources are considered through the National Historic Preservation Act (NHPA) of 1966, as amended (54 United States Code [U.S.C.] 306108), and its implementing regulations. Before an undertaking (e.g., federal funding or issuance of a federal permit) is implemented, Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties (i.e., properties listed in or eligible for listing in the National Register) and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the National Register. Under the NHPA, a property is considered significant if it meets the National Register listing criteria A through D, at 36 Code of Federal Regulations 60.4, as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:

- a) Are associated with events that have made a significant contribution to the broad patterns of our history, or
- b) Are associated with the lives of persons significant in our past, or

- c) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
- d) Have yielded, or may be likely to yield, information important in prehistory or history

For a resource to be eligible for the National Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. Resources that are less than 50 years old are generally not considered eligible for the National Register.

Federal review of the effects of undertakings on significant cultural resources is carried out under Section 106 of the NHPA and is often referred to as the Section 106 review. This process is the responsibility of the federal lead agency. The Section 106 review typically involves a four-step procedure, which is described in detail in the implementing regulations of the NHPA:

1. Define the Area of Potential Effects in which an undertaking could directly or indirectly affect historic properties.
2. Identify historic properties in consultation with the State Historic Preservation Officer (SHPO) and interested parties.
3. Assess the significance of effects of the undertaking on historic properties.
4. Consult with the SHPO, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation and proceed with the project according to the conditions of the agreement.

4.6.2.2 State Regulations

The State of California consults on implementation of the NHPA of 1966, as amended, and also oversees statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation, as an office of the California Department of Parks and Recreation, implements the policies of the NHPA statewide. The Office of Historic Preservation also maintains the California Historical Resources Inventory. The SHPO is an appointed official who implements historic preservation programs within the state's jurisdictions.

California Environmental Quality Act

The California Environmental Quality Act (CEQA), as codified in Public Resources Code (PRC) Section 21000 et seq., is the principal statute governing the environmental review of projects in the state. CEQA requires lead agencies to determine if a project would have a significant effect on historical resources, including archaeological resources. The State CEQA *Guidelines* define a historical resource as: (1) a resource in the California Register; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

CEQA requires lead agencies to determine if a project would have a significant effect on important archaeological resources, either historical resources or unique archaeological resources. If a lead agency determines that an archaeological site is a historical resource, the provisions of Public Resources Code Section 21084.1 would apply and State CEQA *Guidelines* Sections 15064.5(c) and 15126.4 and the limits in Public Resources Code Section 21083.2 would not apply. If a lead agency determines that an archaeological site is an historical resource, the provisions of PRC Section 21084.1 and State CEQA *Guidelines* Section 15064.5 would apply. If an archaeological site does not meet the State CEQA *Guidelines* criteria for a historical resource, then the site may meet the threshold of PRC Section 21083.2 regarding unique archaeological resources. A unique archaeological resource is “an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria.

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person” (PRC Section 21083.2 [g]).

The State CEQA *Guidelines* note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the Project on that resource shall not be considered a significant effect on the environment (CEQA *Guidelines* Section 15064.5[c][4]).

Assembly Bill 52

In September 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, Assembly Bill 52 now requires lead agencies to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Section 21074; 21083.09). The Bill defines tribal cultural resources in a new section of the PRC (Section 21074). Assembly Bill 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Section 21080.3.1, 21080.3.2, 21082.3).

Specifically, PRC Section 21084.3 states:

- a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
 - 1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural

context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

- 2) Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - A. Protecting the cultural character and integrity of the resource.
 - B. Protecting the traditional use of the resource.
 - C. Protecting the confidentiality of the resource.
- 3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- 4) Protecting the resource.

In addition, the Office of Planning and Research updated Appendix G of the State CEQA *Guidelines* to provide sample questions regarding impacts on tribal cultural resources (PRC Section 21083.09).

California Register of Historical Resources

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility are based on National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register.

To be eligible for the California Register, an historical resource must be significant at the local, state, and/or federal level under one or more of the following 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 (PRC Section 5024.1[c]).

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

California Public Resources Code and Health and Safety Code

Several sections of the PRC protect cultural resources. Under PRC Section 5097.5, no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site (including fossilized footprints), inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency that has jurisdiction over the lands. Violation of this section is a misdemeanor. Section 5097.98 states that if Native American remains are identified within a project area, the lead agency must work with the appropriate Native Americans as identified by the Native American Heritage Commission (NAHC) and develop a plan for the treatment or disposition of, with appropriate dignity, the human remains and any items associated with Native American burials. These procedures are also addressed in Section 15064.5 of the State CEQA *Guidelines*. California Health and Safety Code Section 7050.5 prohibits disinterring, disturbing, or removing human remains from a location other than a dedicated cemetery. Section 30244 of the PRC requires reasonable mitigation for impacts on paleontological and archaeological resources that occur as a result of development on public lands.

Title 14, Sections 4307 and 4308 of the California Code of Regulations also prohibit any person from removing, inuring, defacing, or destroying any object of paleontological, archaeological, or historical interest or value.

4.6.2.3 Local Regulations

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan (Marin County, 2007b) are relevant to the Project:

HAR-1.1: Preserve Historical and Archaeological Resources. Identify archaeological and historical resource sites.

HAR-1.2: Document Historical Information. Provide documents, photographs, and other historical information whenever possible to be catalogued in the Anne T. Kent California Room in the Marin County Free Library.

HAR-1.3: Avoid Impacts to Historical and Archaeological Resources. Ensure that human activity avoids damaging cultural resources, where feasible.

HAR-2.i: Implement Senate Bill 18 Tribal Consultation Requirements. In accordance with the new State Law Senate Bill 18, requires tribal consultation prior to adopting or amending any general plan, community plan, or specific plan.

Send proposal information to the NAHC and request contact information for tribes with traditional lands or places within the geographic areas affected by the proposed changes.

- a) Contact each tribe identified by NAHC in writing and provide them the opportunity to consult about the project.
- b) Organize a consultation with tribes that respond to the written notice within 90 days.

- c) Refer proposals to adopt or amend the Countywide Plan, community plan, or specific plans to each tribe included on the NAHC list at least 45 days prior to the proposed action.
- d) Provide notice of a public hearing at least 10 days in advance to tribes and any other persons who have requested that such notice be provided.

Marin County Development Code

Marin County has the following code to ensure that the construction of new development and the establishment of new and modified uses contribute to the maintenance of a stable and healthy environment, that new development is harmonious in character with existing and future development and that the use and enjoyment of neighboring properties are protected, as established in the Countywide Plan.

22.20.040: Archaeological and Historic Resources. In the event that archaeological or historic 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. The disturbance of an Indian midden may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

Town of Fairfax

The Conservation Element of the General Plan for the Town of Fairfax (2010) contains the following policies relevant to the Project:

Policy CON-8.2.1: Protect, maintain, rehabilitate, and enhance historical and cultural resources within the Town of Fairfax Planning Area.

Policy CON-8.2.3: Ensure that development respects and complements the patterns, character, and scale of the Town's traditional communities and natural landscape.

Program CON-8.2.3.2: Ensure that impacts to locally significant historic and cultural resources are evaluated and mitigated.

Town of San Anselmo

The Town of San Anselmo's General Plan contains Conservation and Environmental Policy Guidelines and includes the following policy relevant to the Project:

Policy B.5: Unique geological, ecological, and historic sites shall be protected.

4.6.3 Impacts and Mitigation Measures

This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section. Mitigation measures are recommended, as necessary, to reduce significant impacts.

4.6.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist), and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- d) Disturb any human remains, including those interred outside of formal cemeteries
- e) 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. 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe;
- f) Have the potential to cause a physical change which would adversely affect unique ethnic cultural value or religious or sacred uses within the Project area or affects a landmark of local cultural/historical importance.

4.6.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in cultural resources or other cultural resource impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. Mitigation measures are identified, as necessary, to reduce significant impacts.

Architectural Resources

Potential impacts on architectural resources are assessed by identifying any activities (either during construction or operations) that could affect resources identified as historical resources for the purposes of CEQA. Once a resource has been identified as a CEQA historical resource, it then must be determined whether the impacts of the Project would “cause a substantial adverse change in the significance” of the resource (State CEQA *Guidelines* Section 15064.5[b]). A substantial adverse change in the significance of a historical resource means “physical demolition,

destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired” (State CEQA *Guidelines* Section 15064.5[b][1]). A historical resource is materially impaired through the demolition or alteration of the resource’s physical characteristics that convey its historical significance and that justify its inclusion in the California Register (State CEQA *Guidelines* Section 15064.5[b][2][A]).

Archaeological Resources

Archaeological resources can include historical resources according to State CEQA *Guidelines* Section 15064.5 as well as unique archaeological resources as defined in PRC Section 21083.2(g). The significance of most prehistoric and historical archaeological sites is usually assessed under National Register and California Register Criteria D/4. These criteria stress the importance of the information potential contained within the site, rather than its significance as a surviving example of a type or its association with an important person or event. Although it is less common, archaeological resources also may be assessed under California Register Criteria 1, 2, and/or 3. Archaeological resources also may be assessed under CEQA as unique archaeological resources, defined as archaeological artifacts, objects, or sites that contain information needed to answer important scientific research questions.

Impacts on unique archaeological resources or archaeological resources that qualify as historical resources are assessed pursuant to PRC Section 21083.2 which states that the lead agency shall determine whether the Project may have a significant effect on archaeological resources. As with architectural resources above, whether the impacts of the Project would “cause a substantial adverse change in the significance” of the resource must be determined (State CEQA *Guidelines* Section 15064.5[b]).

Human Remains

Human remains, including those buried outside of formal cemeteries, are protected under several state laws, including Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. These laws are identified above in Section 4.6.2, Regulatory Framework. This analysis considers impacts on human remains including intentional disturbance, mutilation, or removal of interred human remains.

Tribal Cultural Resources

Tribal cultural resources are defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a tribe that is either on or eligible for the California Register or a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a tribal cultural resource. Impacts on tribal cultural resources are assessed in consultation with the affiliated Native American tribe in accordance with PRC Section 21080.3. This analysis considers whether the Project would cause damaging effects to any tribal cultural resource, including archaeological resources and human remains.

4.6.3.3 Impacts and Mitigation Measures

Most impacts on cultural resources occur during the construction of a project and there is very little potential for operations to affect such resources; therefore, consideration of construction and operational impacts are combined in this analysis.

Impact 4.6-1: The Project would not cause a substantial adverse change in the significance of a historical resource or a landmark of local cultural or historical importance. (*No Impact*)

The following discussion focuses on architectural and structural resources. Archaeological resources, including archaeological resources that are potentially historical resources according to State CEQA *Guidelines* Section 15064.5, are addressed under Impact 4.6-2.

Based on the results of the background research, survey, and evaluation provided above, there are no historical resources eligible for listing in the California Register in the Project area. ESA staff evaluated the four buildings in the Project area and recommended that none of them meet the California Register criteria and are not historical resources for the purposes of CEQA. Because there are no historical resources in the Project area, there would be no impact on historical resources and no mitigation is required.

Mitigation: None required.

Impact 4.6-2: The Project would not cause a substantial adverse change in the significance of an archaeological resource. (*Less than Significant*)

This section discusses archaeological resources that are potentially historical resources according to State CEQA *Guidelines* Section 15064.5 as well as unique archaeological resources defined in Section 21083.2(g).

Based on the results of the background research, surface survey, and subsurface survey, there are no archaeological resources in the Project area. However, despite the effort to identify archaeological resources, the inadvertent discovery of unknown archaeological resources cannot be entirely discounted. Impacts on previously unknown archaeological resources during construction from ground-disturbing activities would be potentially significant. In the event that archaeological resources are uncovered during Project-related ground disturbing activities, compliance with Marin Development Code Section 22.20.040 (D) (outlined above in Section 4.6.2.3 Local Regulations) would reduce those impacts to a less-than-significant level and no mitigation is required.

Mitigation: None required.

Impact 4.6-3: The Project would not disturb human remains, including those interred outside of dedicated cemeteries. (*Less than Significant*)

Prehistoric archaeological resources may contain human burials. Based on the background research, surface survey, and subsurface survey there is no indication that the Project area has been used for human burial purposes. However, the possibility of encountering human remains, including those interred outside of dedicated cemeteries, during Project-related ground disturbing activities such as excavation into native or undisturbed soils, cannot be entirely discounted. This impact would be considered significant. However, compliance with Marin Development Code Section 22.20.040 (D), Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5 (outlined above in Section 4.6.2.3 Local Regulations), this impact would be reduced to a level that would be less than significant and no mitigation is required.

Mitigation: None required.

Impact 4.6-4: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource. (*Less than Significant*)

The Flood Control District sent letters to the Federated Indians of Graton Rancheria the Ione Band of Miwoks, the federally recognized tribes in Marin County, on April 10, 2017. Based on the background research, there are no tribal cultural resources in the Project area and therefore the Project would have no impact on tribal cultural resources and no mitigation measure would be necessary. If archaeological resources or human remains are documented during construction activities, impacts to tribal cultural resources could be potentially significant. Compliance with Marin Development Code Section 22.20.040 (D), Public Resources Code Section 5097.98, and Health and Safety Code Section 7050.5 (outlined above in Section 4.6.2.3 Local Regulations), as described above, would apply to archaeological resources and human remains that are considered tribal cultural resources and the impact would be less than significant.

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4.7 Geology, Seismicity, Soils, and Paleontological Resources

This section evaluates the potential for the San Anselmo Flood Risk Reduction Project (Project) to result in adverse impacts related to geologic, seismic, and soils hazards. The analysis is based on review of available geologic and geotechnical reports and maps of the Project area and vicinity, including site-specific investigations conducted for the Project, the relevant regulations, and a discussion of the methodology and thresholds used to determine whether the Project would result in significant impacts.

4.7.1 Environmental Setting

4.7.1.1 Topography and Drainage

The proposed flood diversion and storage (FDS) basin at the former Sunnyside Nursery site (Nursery Basin) is located along the northern side of Fairfax Creek, as shown on Figure 3-9 (in Chapter 3, *Project Description*). The ground surface elevations within the basin site range from about 238 feet NAVD88¹ on the western edge to about 230 feet NAVD88 on the eastern side (CH2M, 2018). Fairfax Creek drains to the southeast, joins San Anselmo Creek downstream of this site, and then continues southeast through the Town of San Anselmo. The creek capacity improvements would occur within and over San Anselmo Creek in downtown San Anselmo, along San Anselmo Avenue between Bridge and Tunstead Avenues (Downtown San Anselmo site). The upper and lower elevations across the creek where the proposed improvements in Downtown San Anselmo would take place would range from about 50 to 32 feet NAVD88. San Anselmo Creek then continues flowing south and east to San Francisco Bay.

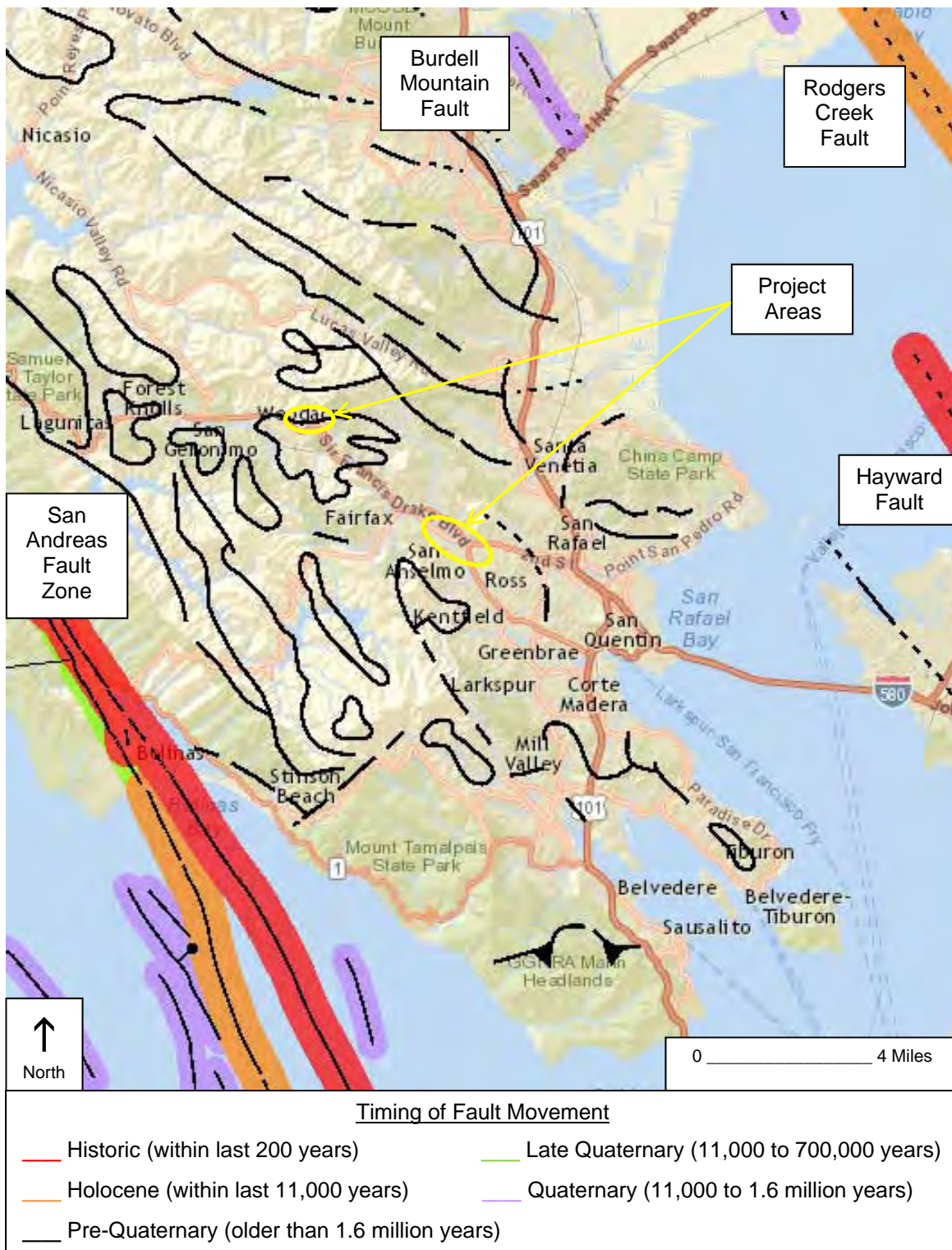
4.7.1.2 Regional and Local Geology

Regional Geology

The Project sites are within the geologically complex region of California referred to as the Coast Ranges Geomorphic Province (California Geological Survey [CGS], 2002; GEI, 2017c).² The Coast Ranges province lies between the Pacific Ocean and the Great Valley Geomorphic Province (Sacramento and San Joaquin Valleys) and stretches from the Oregon border to the Santa Ynez Mountains near Santa Barbara. This province is marked by northwest-trending elongated ranges and narrow valleys that roughly parallel the coast and the San Andreas Fault Zone. Much of the Coast Ranges province is composed of marine sedimentary deposits, metamorphic rocks, and volcanic rocks. The tectonics of the San Andreas Fault Zone and other major faults in the western part of California have played a major role in the geologic history of the area. Faults in the local region are shown on **Figure 4.7-1**. Many of the drainages in Marin County are strongly influenced by tectonic-related faults and folds that typically trend parallel to the coast, although some drainages run perpendicular to the coast.

¹ North American Vertical Datum 1988, a common elevation datum that relates to sea level.

² A geomorphic province is a regional area that possesses similar bedrock, structure, history, and age. California has 11 geomorphic provinces.



San Anselmo Flood Risk Reduction Project / D211432.07
 SOURCE: CGS 2010

Figure 4.7-1
 Regional Faults

Local Geology

The geologic units underlying the Project sites consist of Holocene³ alluvium underlain by the Jurassic-Cretaceous⁴ Franciscan Formation units as shown on **Figure 4.7-2** (Blake et al., 2000; GEI, 2017b and 2017c). Both Project sites are on Holocene Alluvium, which consists of loose to soft and friable⁵ combinations of sand, gravel, silt, and clay. The alluvium extends as deep as 74 feet below the ground surface.

Both sites are close to and underlain by greywacke⁶ and interbedded shale with minor conglomerate of the Franciscan Formation. The bedrock units are locally severely sheared or broken up due to tectonic activity. Rocks of this unit typically form resistant topography, and many ridges are composed of this unit. Older Franciscan Formation greenstone underlies the younger greywacke but crops out as small, discrete masses as long as about a mile. In southern Marin County and parts of San Francisco, the unit crops out as well-bedded pillow lavas and minor intrusive diabase⁷. Smaller masses are hard and relatively unfractured, but larger masses typically are closely fractured or sheared, are softened by weathering, and bear distinctive red soil. One such metamorphosed body forms a hill just north of the Downtown San Anselmo site.

Groundwater levels have been monitored at the Nursery Basin site since November 2016, when data-logging transducers were installed in monitoring wells to measure and record foundation pore pressures at one hour intervals (GEI, 2017c). Groundwater levels at the site had a relatively constant base elevation ranging between 224 to 226 feet NAVD88 for much of the 2016/2017 rainy season, but with significant spikes in groundwater measurements during precipitation events. Groundwater levels at the site began to steadily drop in mid-May 2017.

Local Soils

The local soils in the area of the Project sites consist mostly of the previously described alluvium or imported urban fill materials. The Natural Resources Conservation Service has not mapped soil units in the Project areas since much of the area is urban land with little in the way of undisturbed soils. Stetson Engineers conducted a geomorphic assessment of the Corte Madera Creek Watershed that included an evaluation of the creek channels within the watershed (Stetson, 2000). Stetson describes the regional landscape as “typified by small watersheds draining steep, thinly mantled, forested and grassland slopes. Steep upland channels collect and flow through relatively steep, narrow, clayey and gravelly valley flats resting in deep folds in the terrain, and finally into broad salt marsh estuaries. The landscape is underlain by a highly deformed accumulation of pre-Cretaceous Continental margin deposits (primarily marine sedimentary sandstones and shales) of the Franciscan Formation. Watersheds in this geologic province typically produce sediment yields among the highest in North America.” This means that the regional deposits are subject to strong erosional forces and generate large amounts of sediment. Stetson continues concluding that “narrow, fixed gravel bars dominate the channel bed. Unnaturally high, coarse

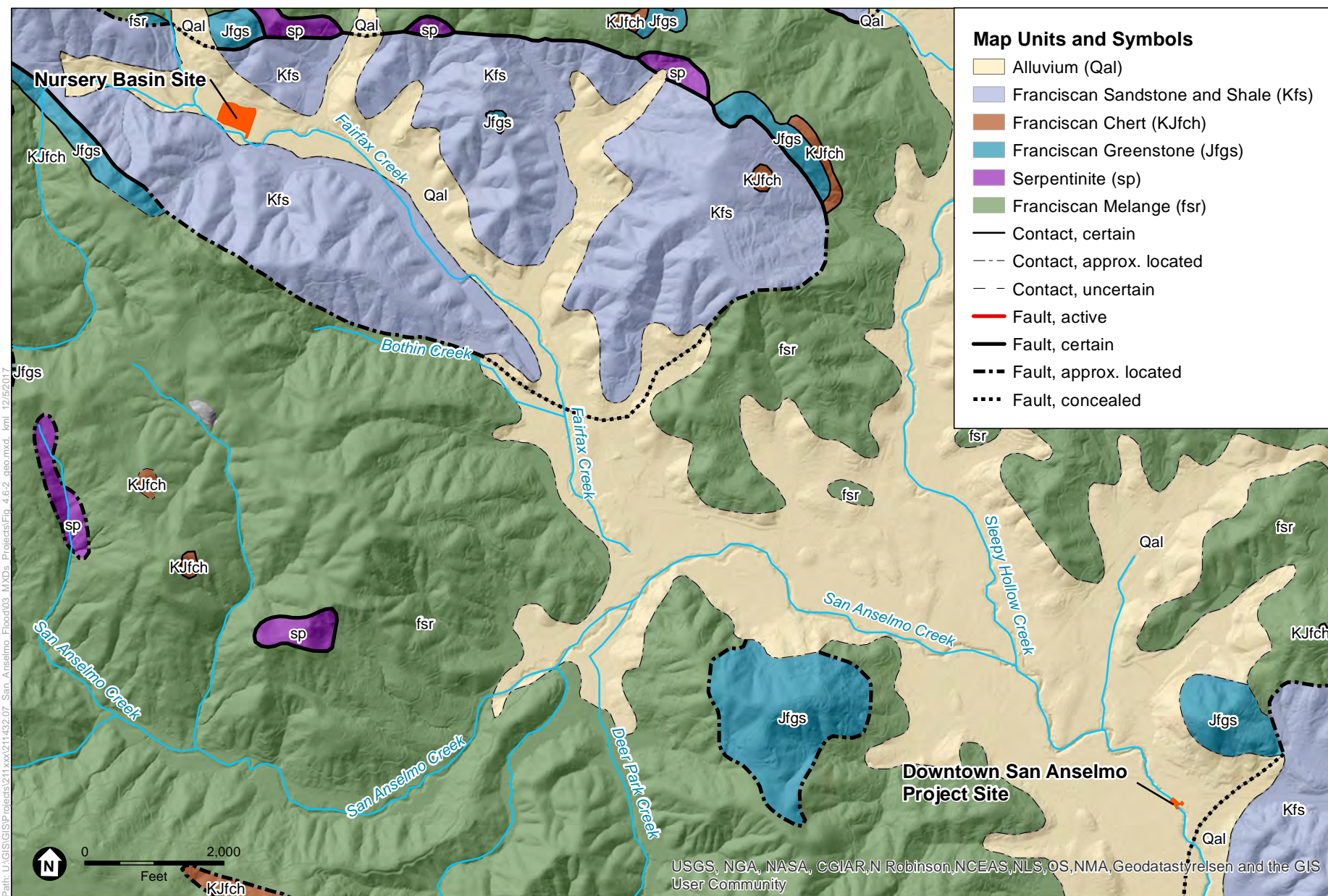
³ Holocene time is from the present to 11,000 years ago.

⁴ Jurassic time is from 144 to 208 million years ago; Cretaceous time is from 65 to 144 million years ago.

⁵ Friable materials are easily crumbled.

⁶ Greywacke is sandstone with silt and clay in the matrix.

⁷ Diabase is an igneous rock equivalent to volcanic basalt but with more visible crystals in its matrix.



SOURCE: Blake et al., 2000

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 4.7-2
Geologic Map

grained gravel bars throughout the alluvial portion of Fairfax Creek and San Anselmo Creek appear to have been deposited during deep, confined flood flows. These elevated, coarse, well-drained gravel deposits enabled riparian trees to establish and mature within the channel. Reinforcement by mature tree root systems prevented significant erosion during recent, larger floods; the reinforced ‘flood bars’ act as resistant inset channel banks, further reducing active channel width and further preventing inset floodplain and pool-riffle development as well as increasing flooding potential.”

In addition to published data, ESA conducted trenching to a maximum depth of 12 feet at the Nursery Basin site to explore for cultural resources, as discussed in the Archaeological Surface and Subsurface Survey subsection in Section 4.6, Cultural Resources. The geological materials encountered included gravel, sandy silt, silt, clayey silt, silty sandy gravel, sandy clay, and fill, consistent with the typical alluvium in the area. GEI drilled borings through the Nursery Basin site as part of their geotechnical investigation (GEI, 2017a; 2017b; 2017c). The subsurface conditions within the Nursery Basin site consist of interbedded layers of gravel, sand, silt, and clay sediments extending beyond the depths explored in the central portion of the site, but overlying bedrock near the flanks of the valley. Claystone bedrock and clay with relic rock structure was encountered in the site investigations near the flanks of the valley. Standard penetration tests attempted in the claystone found it to be very hard (50 blows over a 4-inch drive and 50 blows over a 2-inch drive). Although not encountered in the site investigations, it is likely that unconsolidated alluvial deposits are present in the Fairfax Creek channel. These deposits could range from clay to gravel, depending on the source material and depositional history.

4.7.1.3 Seismicity and Faults

This section characterizes the region’s existing faults, describes historical earthquakes, estimates the likelihood of future earthquakes, and describes probable groundshaking effects.

Earthquake Terminology and Concepts

Earthquake Mechanisms and Fault Activity

Faults are planar features within the earth’s crust that have formed to release strain caused by the dynamic movements of the earth’s major tectonic plates. An earthquake on a fault is produced when these strains overcome the inherent strength of the earth’s crust, and the rock ruptures. The rupture causes seismic waves that propagate through the earth’s crust, producing the groundshaking effect known as an earthquake. The rupture also causes variable amounts of slip along the fault, which may or may not cause displacement at the earth’s surface.

Geologists commonly use the age of offset rocks as evidence of fault activity—the younger the displaced rocks, the more recently earthquakes have occurred. To evaluate the likelihood that a fault would produce an earthquake, geologists examine the magnitude and frequency of recorded earthquakes and evidence of past displacement along a fault. The California Geological Survey (CGS) defines an active fault as one that has had surface displacement within Holocene time (within the last 11,000 years; the U.S. Geological Survey (USGS) uses within the last 15,000 years). A Quaternary fault is defined as a fault that has shown evidence of surface

displacement during the Quaternary period (the last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not mean that a fault lacking evidence of surface displacement is necessarily inactive. The term “sufficiently active” is also used to describe a fault if there is some evidence that Holocene displacement has occurred on one or more of its segments or branches (CGS, 2007).

For the purpose of delineating fault rupture zones, the CGS historically sought to zone faults defined as potentially active, which are faults that have shown evidence of surface displacement during the Quaternary period. In late 1975, the State Geologist made a policy decision to zone only those faults that had a relatively high potential for ground rupture, determining that a fault should be considered for zoning only if it was sufficiently active and “well defined.” Blind faults are faults that do not show surface evidence of past displacement, even if they occurred in the recent past. Faults that are confined to pre-Quaternary rocks are considered inactive and incapable of generating an earthquake.

Earthquake Magnitude

When an earthquake occurs along a fault, its size can be determined by measuring the energy released during the event. A network of seismographs records the amplitude and frequency of the seismic waves that an earthquake generates. The Richter magnitude (M_L) of an earthquake represents the highest amplitude measured by the seismograph at a distance of 100 kilometers from the epicenter. Richter magnitudes vary logarithmically with each whole-number step, representing a tenfold increase in the amplitude of the recorded seismic waves and 32 times the amount of energy released. While Richter magnitude was historically the primary measure of earthquake magnitude, seismologists now use Moment Magnitude (M_w) as the preferred way to express the size of an earthquake. The M_w scale is related to the physical characteristics of a fault, including the rigidity of the rock, the size of fault rupture, and the style of movement or displacement across the fault. Although the formulae of the scales are different, they both contain a similar continuum of magnitude values, except that M_w can reliably measure larger earthquakes and do so from greater distances.

Peak Ground Acceleration

A common measure of ground motion at any particular site during an earthquake is the peak ground acceleration (PGA). The PGA for a given component of motion is the largest value of horizontal acceleration obtained from a seismograph. PGA is expressed as the percentage of the acceleration due to gravity (g), which is approximately 980 centimeters per second squared. In terms of automobile acceleration, one “ g ” of acceleration is equivalent to the motion of a car traveling 328 feet from rest in 4.5 seconds. For comparison purposes, the maximum peak acceleration value recorded during the Loma Prieta earthquake was in the vicinity of the epicenter, near Santa Cruz, at 0.64 g . Unlike measures of magnitude, which provide a single measure of earthquake energy, PGA varies from place to place and is dependent on the distance from the epicenter and the character of the underlying geology (e.g., hard bedrock, soft sediments, or artificial fills)

Modified Mercalli Intensity Scale

The Modified Mercalli Intensity Scale assigns an intensity value based on the observed effects of groundshaking produced by an earthquake. Unlike measures of earthquake magnitude and PGA, the Modified Mercalli Intensity Scale is qualitative in nature in that it is based on actual observed effects rather than measured values. Similar to PGA, Modified Mercalli values for an earthquake at any one place can vary depending on the earthquake's magnitude, the distance from its epicenter, the focus of its energy, and the type of geologic material. The Modified Mercalli values for intensity range from I (earthquake not felt) to XII (damage nearly total), and intensities ranging from IV to X can cause moderate to significant structural damage. Because the Modified Mercalli scale is a measure of groundshaking effects, intensity values can be correlated to a range of average PGA values, as shown in **Table 4.7-1**.

Faults and Probable Earthquake Activity

The Project area is in a seismically active region of California. The San Francisco Bay Area contains both active (Holocene age, or within the last 11,000 years) and potentially active (Quaternary age, or within the last 1.6 million years) faults and throughout the area, there is the potential for damage resulting from movement along any one of a number of the active faults. The Working Group on California Earthquake Probabilities, comprised of the USGS, the CGS, and the Southern California Earthquake Center, evaluates the probability of one or more earthquakes of Mw 6.7 or higher occurring in the state of California over the next 30 years. It is estimated that the San Francisco Bay Area region as a whole has a 72 percent chance of experiencing an earthquake of Mw 6.7 or higher over the next 30 years; among the various active faults in the region, the San Andreas and the Hayward-Rogers Creek Faults are the most likely to cause such an event in the vicinity of the Project (WGCEP, 2015a; PBS&J, 2010). The Nursery Basin site and the Downtown San Anselmo site are in between the San Andreas and Hayward-Rogers Creek Fault Zones, discussed below. The locations of these faults and their geographic relationship to the Project area are shown on Figure 4.7-1.

San Andreas Fault Zone

The San Andreas Fault Zone is a major structural feature in the region and forms a boundary between the North American and Pacific tectonic plates (Bryant and Lundberg, 2002). The San Andreas Fault is a major northwest-trending, right-lateral, strike-slip fault that extends for about 600 miles from the Gulf of California in the south to Cape Mendocino in the north. The San Andreas is not a single fault trace but rather a system of active faults that diverges from the main fault south of the city of San Jose, California. The San Andreas Fault has produced numerous large earthquakes, including the 1906 San Francisco earthquake. That event had an estimated ML 8.3 or Mw 7.8 (WGCEP, 2008a; 2008b) and was associated with up to 21 feet of displacement and widespread ground failure (Lawson, 1908). The Nursery Basin site and the Downtown San Anselmo sites are about 6.7 and 7.8 miles, respectively, from the San Andreas Fault Zone. Relative to these locations, the San Andreas Fault Zone has a 5.46 percent probability of generating an earthquake with a magnitude equal to or greater than 6.7 Mw over the next 30 years (WGCEP, 2015b).

**TABLE 4.7-1
MODIFIED MERCALLI INTENSITY SCALE**

Intensity Value	Intensity Description	Average Peak Ground Acceleration^a
I	Not felt	< 0.0017 g
II	Felt by people sitting or on upper floors of buildings	0.0017 to 0.014 g
III	Felt by almost all indoors. Hanging objects swing. Vibration like passing of light trucks. May not be recognized as an earthquake.	0.0017 to 0.014 g
IV	Vibration felt like passing of heavy trucks. Stopped cars rock. Hanging objects swing. Windows, dishes, doors rattle. Glasses clink. In the upper range of IV, wooden walls and frames creak.	0.014 to 0.039 g
V (Light)	Felt outdoors. Sleepers wakened. Liquids disturbed, some spilled. Small unstable objects displaced or upset. Doors swing. Pictures move. Pendulum clocks stop.	0.035 to 0.092 g
VI (Moderate)	Felt by all. People walk unsteadily. Many frightened. Windows crack. Dishes, glassware, knickknacks, and books fall off shelves. Pictures off walls. Furniture moved or overturned. Weak plaster, adobe buildings, and some poorly built masonry buildings cracked. Trees and bushes shake visibly.	0.092 to 0.18 g
VII (Strong)	Difficult to stand or walk. Noticed by drivers of cars. Furniture broken. Damage to poorly built masonry buildings. Weak chimneys broken at roof line. Fall of plaster, loose bricks, stones, tiles, cornices, unbraced parapets and porches. Some cracks in better masonry buildings. Waves on ponds.	0.18 to 0.34 g
VIII (Very Strong)	Steering of cars affected. Extensive damage to unreinforced masonry buildings, including partial collapse. Fall of some masonry walls. Twisting, falling of chimneys and monuments. Wood-frame houses moved on foundations if not bolted; loose partition walls thrown out. Tree branches broken.	0.34 to 0.65 g
IX (Violent)	General panic. Damage to masonry buildings ranges from collapse to serious damage unless modern design. Wood-frame structures rack, and, if not bolted, shifted off foundations. Underground pipes broken.	0.65 to 1.24 g
X (Very Violent)	Poorly built structures destroyed with their foundations. Even some well-built wooden structures and bridges heavily damaged and needing replacement. Water thrown on banks of canals, rivers, lakes, etc.	> 1.24 g
XI (Very Violent)	Few, if any, masonry structures remain standing. Bridges destroyed. Rails bent greatly. Underground pipelines completely out of service.	> 1.24 g
XII (Very Violent)	Damage nearly total. Practically all works of construction are damaged greatly or destroyed. Large rock masses displaced. Waves seen on ground surface. Lines of sight and level are distorted. Objects are thrown into the air.	> 1.24 g

NOTES:

^a Value is expressed as a fraction of the acceleration due to gravity (g). Gravity (g) is 9.8 meters per second squared. 1.0 g of acceleration is a rate of increase in speed equivalent to a car traveling 328 feet from rest in 4.5 seconds.

SOURCES: Association of Bay Area Governments (ABAG), Adapted from Modified Mercalli Intensity Scale (MMI), 2016. Available online at <http://resilience.abag.ca.gov/shaking/mmi/>. Accessed on April 8, 2016; Wood, Nathan and Juliette Ratliff, *Population and Business Exposure to Twenty Scenario Earthquakes in the State of Washington*, US Geological Survey Open File Report 2011-1016, 2011.

Hayward-Rodgers Creek Fault Zone

The Hayward-Rodgers Creek Fault Zone is approximately 118 miles in length, located mostly along the base of the hills along the east side of San Francisco Bay and running parallel to the San Andreas Fault Zone. Similar to the San Andreas, it is composed of a system of active faults. The Hayward-Rodgers Creek Fault has also produced numerous large earthquakes, including the 1868 earthquake with an estimated magnitude of about 7.0. The Nursery Basin site and the Downtown San Anselmo site are about 11.3 and 9.9 miles, respectively, from the Hayward-Rodgers Creek Fault Zone. The Hayward-Rodgers Creek Fault has a 13.3 percent probability of generating an earthquake with a magnitude equal to or greater than 6.7 Mw over the next 30 years (WGCEP, 2015b).

4.7.1.4 Geologic Hazards

Based on the geologic data reviewed during preparation of this environmental impact report, the potential geologic hazards at the Project sites include erosion, subsidence, and expansive soil. These geologic hazards are discussed below. Liquefaction, lateral spreading, and landslides, while possible without seismic shaking, are more commonly triggered by a seismic event, as discussed further below in seismic hazards.

Erosion

Erosion is the wearing away of soil and rock by processes such as mechanical or chemical weathering, mass wasting, and the action of water and wind. Excessive soil erosion can eventually damage infrastructure such as pipelines, wellheads, building foundations, and roadways. In general, granular soils with relatively low cohesion and soils located on steep topography have a higher potential for erosion. As previously discussed, the geomorphic study indicates that the Project is located in drainages that are susceptible to high rates of erosion (Stetson, 2000).

Subsidence

Subsidence of the overlying land surface can occur when groundwater is extracted from the subsurface and is usually associated with severe, long-term withdrawal in excess of recharge that eventually leads to overdraft of the aquifer. As groundwater is pumped out, water is removed from the soil pore spaces leading to a reduction in soil strength. The subsurface conditions more conducive to subsidence include clay or organic-rich soils. Sand- and gravel-rich soils are less prone to subsidence because the larger grains comprise a skeleton less dependent on water pressure for support. The subsidence can result in damage to infrastructure such as buildings or pipelines, or can result in a decrease in the volume of available aquifer storage. Given the local geologic conditions that consist mostly of bedrock, groundwater is not a major water supply source and extensive aquifers are not present beneath the Project sites.

Expansive Soils

Expansive soils are subject to volume changes from changes in moisture content: swelling with increases in moisture; shrinkage with decreases in moisture. Clayey soils are more susceptible than sandy or gravelly soils, especially if the clays are more plastic. In general, the geologic

materials at the Project sites are relatively thin and coarse-grained sediment underlain by bedrock, suggesting a low expansion potential. The National Resources Conservation Service classified soils adjacent to the former Sunnyside Nursery site as having a low potential for expansive soils (NRCS, 2016). The geotechnical investigation included soil classification of soil from borings; no plastic clays were observed (GEI, 2017c). The Downtown San Anselmo site is underlain by bedrock with little to no overlying soil, and thus no potential for expansive soils.

4.7.1.5 Seismic Hazards

Seismic hazards are generally classified into two categories: primary seismic hazards (surface fault rupture and groundshaking) and secondary seismic hazards (liquefaction and other types of seismically induced ground failure, along with seismically induced landslides).

Surface Fault Rupture

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Although future earthquakes could occur anywhere along the length of an active fault, only regional strike slip earthquakes of magnitude 6.0 or greater are likely to be associated with significant surface fault rupture and offset (CDMG and USGS, 1996). It is also important to note that unmapped subsurface fault traces could experience unexpected and unpredictable earthquake activity and fault rupture. The highest potential for surface faulting is along existing fault traces that have had Holocene displacement. As previously discussed, the active San Andreas and Hayward-Rodgers Creek Fault Zones are at least 6.7 miles or more away from the Project sites, as shown on Figure 4.7-1.

Seismic Groundshaking

As discussed above, it is estimated that a major earthquake has a 72 percent chance of affecting the San Francisco Bay Area in the next 30 years and would produce strong groundshaking throughout the region. Earthquakes on active or potentially active faults, depending on magnitude and distance from the Project area, could produce a range of groundshaking intensities at the Project area, and cause strong groundshaking and damage. Disregarding local variations in ground conditions, the intensity of shaking at different locations within the area can generally be expected to decrease with distance from an earthquake source.

The primary tool that seismologists use to describe groundshaking hazard is a probabilistic seismic hazard assessment (PSHA). The PSHA for the State of California takes into consideration the range of possible earthquake sources (including such worst-case scenarios as those described above for particular faults) and estimates their characteristic magnitudes to generate a probability of a certain level of groundshaking at a given location. The PSHA provides an estimated PGA value that has a 10 percent probability of being exceeded in 50 years (i.e., a 1 in 475 chance of occurring each year). Use of this probability level allows engineers to design structures to withstand ground motions that have at least a 10 percent chance of occurring in the next 50-year interval, thus making buildings safer than if they were designed only for the ground motions that are expected within the next 50 years.

The CGS' PHSA Ground Motion Interpolator estimates a PGA of 0.761g (CGS, 2008b). According to Table 4.7-1, this would correlate to a Modified Mercalli ground shaking intensity of level IX, violent shaking. The geotechnical investigation used state Division of Safety of Dams criteria and concluded the site-specific PGA would be 0.63g, which would still be a Modified Mercalli ground shaking intensity of level VIII, very strong shaking (GEI, 2017c).

Liquefaction and Lateral Spreading

Liquefaction is the rapid loss of shear strength experienced in saturated, predominantly granular soils below the groundwater level during strong earthquake groundshaking and occurs due to an increase in pore water pressure. Liquefaction-induced lateral spreading is defined as the finite, lateral displacement of gently sloping ground as a result of pore-pressure buildup or liquefaction in a shallow underlying deposit during an earthquake (VT, 2013). The occurrence of this phenomenon is dependent on many complex factors, including the intensity and duration of groundshaking, particle-size distribution, and density of the soil. The potential damaging effects of liquefaction include differential settlement, loss of ground support for foundations, ground cracking, heaving and cracking of structure slabs due to sand boiling, and buckling of deep foundations due to ground settlement. Dynamic settlement (i.e., pronounced consolidation and settlement from seismic shaking) may also occur in loose, dry sands above the water table, resulting in settlement of and possible damage to overlying structures. In general, a relatively high potential for liquefaction exists in loose, sandy soils that are within 50 feet of the ground surface and are saturated (below the groundwater table). Lateral spreading can move blocks of soil, placing strain on buried pipelines that can lead to leaks or pipe failure (VT, 2013).

The geotechnical investigation evaluated the relative liquefaction or lateral spreading hazard potential at the former Sunnyside Nursery site (GEI, 2017c). The investigation concluded that deeper soil that would remain after basin excavation would be susceptible to some liquefaction.

The susceptibility of the Downtown San Anselmo site to liquefaction is minimal due to lack of soils within the creek bed.

Earthquake Induced Settlement

Settlement of the ground surface can be accelerated and accentuated by earthquakes. During an earthquake, settlement can occur as a result of the relatively rapid rearrangement, compaction, and settling of subsurface materials, particularly loose, uncompacted, and variable sandy sediments. Settlement can occur both uniformly and differentially (i.e., where adjoining areas settle at different rates). Areas are susceptible to differential settlement if underlain by compressible sediments, such as poorly engineered artificial fill. The geotechnical investigation for the former Sunnyside Nursery site concluded that the soil materials have a negligible potential for settlement (GEI, 2017b and 2017c).

The creek bed at the Downtown San Anselmo site is mostly bedrock with negligible soil and no potential for settlement. The creek banks along the sides of the creek bed have some soil but are likely already compacted due to the placement of structures along the banks.

Landslides and Ground Cracking

Earthquake motions can induce substantial stresses on slopes and can cause earthquake induced landslides or ground cracking if the slope fails. Earthquake induced landslides can occur in areas with steep slopes that are susceptible to strong ground motion during an earthquake. Landslides can also be non-seismically induced. Non-seismically induced landslide can be caused by the force of gravity on steep unstable slopes, by construction activities that disturb soil conditions and create unstable slopes, and by water leaks or breaks in pipelines or pumps. Landslides are ground failures that can occur in areas with steep slopes. The failures can occur quickly as mass failures or as slower incremental creep or flow failures.

The Nursery Basin site is in a relatively flat area with relatively thin soils that would not be highly susceptible to landslides. The geotechnical investigation assessed the site for landslide potential (GEI, 2017b). The mapping and site reconnaissance observed some evidence of slope creep on the hillslope bordering the northern side of the property, which is within areas underlain by Franciscan bedrock. The movement could be due to either debris flow or surface creep, but large-scale rotational block landslides were not apparent. Although small-scale headscarps were noted adjacent to the access road, no significant cracking was observed during reconnaissance of the site.

The Downtown San Anselmo site is in the incised San Anselmo Creek with steep sides to the creek channel in places. The Downtown San Anselmo site is in a highly developed area where much of the ground surface is covered with hardscape (concrete and asphalt). Although not in a location that would be highly susceptible to landslides in the larger mass wasting sense, the sides of the channel are steep enough to be susceptible to slumps and block failures.

4.7.1.6 Paleontological Resources

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates (animals with backbones; mammals, birds, fish, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), and microscopic plants and animals (microfossils). They are nonrenewable, scientific resources that may be valuable in documenting the existence of extinct life forms and reconstructing the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the area in which they are exposed. The geologic environments within which the plants or animals became fossilized usually were quite different from the present environments in which the geologic formations now exist.

The Conformable Impact Mitigation Guidelines Committee of the Society of Vertebrate Paleontology published Standard Guidelines in response to a recognized need to establish procedures for the investigation, collection, preservation, and cataloguing of fossil bearing sites (SVP, 2010). The Standard Guidelines are widely accepted among paleontologists, followed by most investigators, and identify the two key phases of paleontological resource protection: (1) assessment and (2) mitigation. Assessment involves identifying the potential for a project site

or area to contain significant nonrenewable paleontological resources that could be damaged or destroyed by project excavation or construction. Mitigation involves formulating and applying measures to reduce such adverse effects, including pre-project survey and salvage, monitoring and screen washing during excavation to salvage fossils, conservation and inventory, and final reports and specimen curation. The Society of Vertebrate Paleontology defines the level of potential as one of four sensitivity categories for sedimentary rocks: high, undetermined, low, and no potential as listed below.

1. **High Potential** – Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources. Rocks units classified as having high potential for producing paleontological resources include, but are not limited to, sedimentary formations and some volcanoclastic formations (e.g., ashes or tephra), and some low grade metamorphic rocks which contain significant paleontological resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils (e.g., middle Holocene and older, fine grained fluvial sandstones, argillaceous and carbonate rich paleosols, cross bedded point bar sandstones, fine grained marine sandstones, etc.). Paleontological potential consists of both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, plant, or trace fossils and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, paleoecologic, taphonomic, biochronologic, or stratigraphic data. Rock units which contain potentially datable organic remains older than late Holocene, including deposits associated with animal nests or middens and rock units which may contain new vertebrate deposits, traces, or trackways are also classified as having high potential.
2. **Undetermined Potential** – Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment are considered to have undetermined potential. Further study is necessary to determine if these rock units have high or low potential to contain significant paleontological resources. A field survey by a qualified professional paleontologist to specifically determine the paleontological resource potential of these rock units is required before a paleontological resource impact mitigation program can be developed. In cases where no subsurface data are available, paleontological potential can sometimes be determined by strategically located excavations into subsurface stratigraphy.
3. **Low Potential** – Reports in the paleontological literature or field surveys by a qualified professional paleontologist may allow determination that some rock units have low potential for yielding significant fossils. Such rock units will be poorly represented by fossil specimens in institutional collections or, based on general scientific consensus, only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule, e.g., basalt flows or Recent (i.e., Holocene) colluvium. Rock units with low potential typically will not require impact mitigation measures to protect fossils.
4. **No Potential** – This designation is assigned to geologic formations that are entirely plutonic (volcanic rocks formed beneath the earth's surface) in origin and therefore have no potential for producing fossil remains.

In the context of California Environmental Quality Act (CEQA), fossils of land dwelling and marine vertebrates, their environment, and associated geological, stratigraphical, taphonomical,

and geographical data are considered important (i.e., significant) paleontological resources. Such fossils typically are found in river, lake, and bog deposits, although they may occur in nearly any type of sedimentary sequence.

As previously discussed, both Project sites are located in Holocene alluvium. Because it consists of recently deposited sediments, surficial exposures of alluvium are considered to have low potential for paleontological resources, and the paleontological potential increases with depth below the ground surface, because age generally increases with depth. A search of the University of California Museum of Paleontology collections database indicated one invertebrate fossil has been recovered from the Franciscan Formation (bedrock) in Corte Madera (PBS&J, 2010). However, this location is not within the Project area and Franciscan Formation bedrock is not known to contain vertebrate fossils. Based on a review of readily available published documents, PBS&J concluded that there are no other reported fossil occurrences in the study area covered in that document. Finally, based on aerial photography, the Nursery Basin site has been repeatedly plowed as a part of the historical nursery operations; therefore, fossils in the uppermost layers of the soil, in the unlikely event that any were ever present, would have been destroyed long ago.

4.7.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.7.2.1 Federal Regulations

Although there are a number of federal laws, statutes, and regulations that would generally apply to the Project, the federal government and its agencies have delegated the authority to implement and satisfy those requirements relevant to geology, seismicity, soils, and paleontological resources to the state of California and its agencies, as discussed below.

4.7.2.2 State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to protect structures for human occupancy from the hazard of surface faulting. In accordance with the Alquist-Priolo Earthquake Fault Zoning Act, the State Geologist has established regulatory zones—called earthquake fault zones—around the surface traces of active faults, and has published maps showing these zones. However, the Alquist-Priolo Earthquake Fault Zoning Act would not apply to the Project because the Project sites are not within an Alquist-Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. This Act requires the State Geologist to delineate various seismic hazard zones, and cities, counties, and other local permitting agencies to regulate certain development projects

within these zones (CGS, 2008a). The CGS is in the process of producing official maps based on USGS topographic quadrangles. To date, the CGS has not prepared delineations for the USGS quadrangles in which Project elements are proposed, and the sites are not within a designated seismic hazard zone. Therefore, the Project is not subject to the Seismic Hazards Mapping Act.

California Building Code

The California Building Code (CBC), which is codified in Title 24 of the California Code of Regulations, Part 2, was promulgated to safeguard the public health, safety, and general welfare by establishing minimum standards related to structural strength, means of egress to facilities (entering and exiting), and general stability of buildings. The purpose of the CBC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under State law, all building standards must be centralized in Title 24 or they are not enforceable. The provisions of the CBC apply to the construction, alteration, movement, replacement, location, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

The 2016 edition of the CBC is based on the 2015 International Building Code published by the International Code Council, which replaced the Uniform Building Code. The code is updated triennially, and the 2016 edition of the CBC was published by the California Building Standards Commission on July 1, 2016, and took effect starting January 1, 2017. The 2016 CBC contains Appendix J Grading, which would apply to the Project as summarized below.

Section J101.2 requires that work in flood hazard area requires the preparation of an engineering analysis prepared by a registered design professional that demonstrates the work will not result in any increase in the level of the base flood.

Section J104.3 requires the preparation of a geotechnical report prepared by a registered design professional that shall describe the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and slope stability studies, where necessary.

Section J110.1 requires the faces of cut and fill slopes shall be prepared and maintained to control erosion. The control shall be permitted to consist of effective planting.

The County of Marin and the Towns of Fairfax and San Anselmo have adopted the CBC Appendix J grading requirements, which would make the proposed action consistent with the CBC.

National Pollutant Discharge Elimination System Construction General Permit

Construction associated with the Project would disturb more than one acre of land surface affecting the quality of stormwater discharges into waters of the U.S. The Project would therefore be subject to the *National Pollutant Discharge Elimination System (NPDES) General Permit for*

Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). The Construction General Permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the U.S. from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. The permit regulates stormwater discharges associated with construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines.

The Construction General Permit requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving waters risk during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving waters risk level reflects the risk to the receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

- | | |
|--|--|
| 1. Effluent standards | 5. Run-on and runoff controls |
| 2. Good site management "housekeeping" | 6. Inspection, maintenance, and repair |
| 3. Non-stormwater management | 7. Monitoring and reporting requirements |
| 4. Erosion and sediment controls | |

The Construction General Permit also requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific construction best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area. Routine inspection of all BMPs is required under the provisions of the Construction General Permit. In addition, the SWPPP is required to contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. As noted in Section 4.9 Hydrology and Water Quality, San Anselmo Creek and Fairfax Creek are not listed on the 303(d) list.

The SWPPP must be prepared before the construction begins. The SWPPP must contain a site map(s) that delineates the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project area. The SWPPP must list BMPs and the placement of those BMPs that the applicant would use to protect stormwater runoff. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d)

list for sediment. Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing and fueling. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction).

In the Project area, the Construction General Permit is implemented and enforced by the San Francisco Bay Regional Water Quality Control Board, which administers the stormwater permitting program. Dischargers are required to electronically submit a notice of intent and permit registration documents in order to obtain coverage under this Construction General Permit. Dischargers are responsible for notifying the Regional Water Quality Control Board of violations or incidents of non-compliance, as well as for submitting annual reports identifying deficiencies of the BMPs and how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a state Qualified SWPPP Developer and implementation of the SWPPP must be overseen by a state Qualified SWPPP Practitioner. A Legally Responsible Person, who is legally authorized to sign and certify permit registration documents, is responsible for obtaining coverage under the permit.

4.7.2.3 Local Regulations

Marin Countywide Plan

The Marin Countywide Plan would apply to the Nursery Basin site since the basin is in the County just northwest of the Town of Fairfax. The following goals and policies are relevant to geology, seismicity, and soils:

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.

Implementing Program: WR-1.b Establish Development Standards for Infiltration. Establish qualitative standards to maximize groundwater infiltration and minimize surface water runoff based on criteria developed by the Bay Area Stormwater Management Agency Associates. Standards should regulate the amount of impervious surfaces; vary by project type, land use, building-site placement, soils, and area characteristics; and provide for water impoundments, protecting and planting vegetation, cisterns, and other measures, such as restricting wet weather grading to increase groundwater recharge and reduce sedimentation.

Implementing Program: WR-1.f Require Stream Restoration Projects. Require restoration of streams in conjunction with associated land use approvals to improve groundwater recharge and filtration and to ensure high-quality water. Restoration projects should follow the design principles of natural channel restoration utilizing geomorphic concepts.

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.

Implementing Program: WR-2.b Integrate Bay Area Stormwater Management Agencies Association Stormwater Quality Protection Guidelines into Permitting Requirements for All Development and Construction Activities. All projects should integrate stormwater pollution prevention design features for water quality protection to the extent feasible, such as those included in the Bay Area Stormwater Management Agencies Association Start-at-the-Source manual and the Tools Handbook

The above-listed goals, policies, and implementing programs are implemented in the Marin County Stormwater Pollution Prevention Program, discussed further below.

Environmental Hazards

Goal EH-2: Safety from Seismic and Geologic Hazards. Protect people and property from risks associated with seismic activity and geologic conditions.

Policy EH-2.1 Avoid Hazard Areas. Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.

Implementing Program: EH-2.a Require Geotechnical Reports. Continue to require any applicant for land division, master plan, development approval, or new construction in a geologic hazard area to submit a geotechnical report prepared by a State-certified Engineering Geologist or a Registered Geotechnical Engineer that:

- a) evaluates soil, slope, and other geologic hazard conditions;
- b) commits to appropriate and comprehensive mitigation measures sufficient to reduce risks to acceptable levels, including post-construction site monitoring, if applicable;
- c) addresses the impact of the project on adjacent lands, and potential impacts of off-site conditions; and
- d) meets the requirements of other agency regulations with jurisdiction in the hazard area, such as BCDC requirements for the safety of fills consistent with the Bay Plan.

Implementing Program: EH-2.b Require Construction Observation and Certification. Require any work or construction undertaken to correct slope instability or mitigate other

geologic hazard conditions to be supervised and certified by a geotechnical engineer and/or an engineering geologist.

Town of Fairfax Municipal Code

Section 15.04.010 Adoption of Construction Codes: The Town of Fairfax has adopted 2016 CBC, including Appendix J Grading, summarized above in the CBC.

Town of Fairfax General Plan

Though the Project would name take place within the limits of the Town of Fairfax, its general plan is referenced here for informational purposes.

Safety Element

Goal S-1: Minimize risks due to geologic hazards.

Objective SI-1: Protect life and property from risks associated with seismic activity and geologic conditions.

Policy S-1.1.6: Town codes and ordinances will be enforced and updated as needed to reflect current scientific data and technical standards.

Program S-1.1.6.1: Rigorously enforce all relevant codes and construction standards.

Town of San Anselmo Municipal Code

San Anselmo Municipal Code Chapter 18, *Excavation, Grading and Erosion Control*, establishes controls on excavation, grading, and fill within the Town. The controls are established for reasons of safety, erosion control, sound soil engineering practice, aesthetics, environmental protection, and water quality protection. Pursuant to this code, it is unlawful for any person to make, cause, or permit to be made or caused, any excavation, fill, or grading in the Town, except in accordance with a permit issued as specified in this chapter. Chapter 18 includes requirements for detailed temporary and permanent erosion control plans, limits on work conducted during the rainy season, and slope and shoring requirements. The Planning Commission must approve applications for activities involving more than 100 cubic yards of material. Before approval may be given, the Planning Commission must make findings including that adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work and that sufficient erosion control measures will be employed to offset any impact by the proposed excavation, grading, or fill.

The Town of San Anselmo Urban Runoff Pollution Prevention Ordinance includes permit requirements; discharge prohibitions; construction-phase best management practices; the required preparation and implementation of an Erosion and Sediment Control Plan that addresses erosion and sediment control and pollution prevention during the construction phase, as well as final stabilization control measures.

Section 9-1.101 – Adoption of Construction Codes: The Town of San Anselmo has adopted the 2016 CBC, including Appendix J Grading, summarized above in the CBC.

Town of San Anselmo General Plan Update through August 2016

A. Conservation Goals:

1. Minimize environmental harm and the disruption of natural features, particularly in hillside and unstable soil areas.
2. Protect creeks from pollution and against any unnecessary disturbance of the natural contours and vegetation of the banks.
3. Establish policies and practical guidelines for the prevention of erosion, the stabilization of soils, and the protection of the watershed necessary to minimize excessive water runoff.

B. Conservation and Environmental Policy Guidelines:

1. Air, water, and noise pollution shall be prevented or minimized.
3. Activities causing damage to hydrological and biological processes shall be discouraged.
4. Streams shall be maintained in or restored to their natural state. A flood channel maintaining the natural settings on San Anselmo Creek and Sleepy Hollow Creek shall be of adequate width and properly maintained to allow passage of flood waters and preservation of riparian vegetation and habitat. Removal of vegetation on the hillsides should be closely controlled in order to minimize erosion, siltation of watercourses, and runoff.
7. Construction shall be located and designed to avoid or minimize the hazards from earthquake, erosion, landslides, floods, fire, and accidents.

1. Regulation

- a. Health and Safety zoning including:
 1. Geologic risk zones (fault and landslide);
 2. Flooding risk zones (floodplain, stream and bank protection);

4.7.3 Impacts

This section describes the impact analysis relating to geology and soils and paleontological resources for the Project. It describes the methods and applicable thresholds used to determine the impacts of the Project.

4.7.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact relative to geology, seismicity, and soils if it would:

- a) Expose people or structures to 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;
 - ii. Strong seismic ground shaking;

- iii. Seismic-related ground failure, including liquefaction;
 - iv. 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 Section 1803.5.3 of the California Building Code, or be located on soils characterized by shrink/swell potential that might result in deformation of foundations or damage to structures, creating substantial risks to life or property;⁸
 - e) Cause substantial changes in topography from excavation, grading, or fill, including but not limited to ground surface relief features, geologic structures or unstable conditions, or unique geologic or physical features;
 - f) Be located in a Mineral Resource Zone identified by the CGS or within an area designated as important Farmland identified by the Soil Conservation Service (U.S. Department of Agriculture);
 - g) 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;
 - h) Destroy or cause substantial adverse changes to a unique paleontological resource or site.

The following significance criteria are not discussed in this Geology, Seismicity, Soils, and Paleontological Resources section but are discussed in other impact discussion in this EIR:

Item f, regarding project location in a Mineral Resource Zone or within an area designated as important Farmland is addressed in Section 4.4 Energy, Mineral, Forest and Agricultural Resources.

It was determined in the NOP/Initial Study (see Appendix A) that implementation of the Project would have no impact with regard to Item g, the use of septic tanks or alternative water disposal systems.

4.7.3.2 Approach to Analysis

General

The following analysis discusses the potential significant impacts of the Project related to changes in geology, seismicity, and soils based on the potential for the Project to change geologic and soil conditions or expose facilities or people to unstable geologic conditions during Project activities, using existing site conditions as a baseline for comparison. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. The potential for damage to Project elements or increased risk of injury due to geologic hazards is

⁸ The Appendix G significance criteria cites Table 18-1-B from the now defunct Uniform Building Code. The CBC, based on the International Building Code and the now defunct Uniform Building Code, no longer includes a Table 18-1-B. Instead, Section 1803.5.3 of the CBC describes the criteria for analyzing expansive soils.

analyzed using available data from site-specific investigations including the geotechnical reports prepared for the Project site (PBS&J, 2010; Stetson, 2000 and 2016; GEI, 2017a and 2017b) and existing publications and maps completed by federal, state local and agencies, such as the Working Group on California Earthquake Probabilities and National Resources Conservation Service. In addition, the severity and significance of geology and soils impacts are analyzed in the context of existing geologic and seismic hazard regulations and policies.

Paleontological Resources

In addition to the laws, regulations, and policies described in the regulatory framework, the standard practice in analyzing paleontological resources includes using guidance from the Society of Vertebrate Paleontologists. Although not a set of laws or regulations in the legal sense, these guidelines have become the standard in the industry. As discussed above in Section 4.7.1 under *Paleontological Resources*, no paleontological resources were observed during the trenching of the former Sunnyside Nursery site (GEI, 2017b and 2017c).

California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal. 4th 369

CEQA requires analysis of a project's effects on the environment; consideration of the potential effects of a site's environment on a project are outside the scope of required CEQA review (*California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal. 4th 369*). As stated in *Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473*: “[T]he purpose of an [environmental impact report] is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” Many of the impacts discussed in this section relate to increased exposure of people or structures to risks associated with seismic occurrences and location of people or structures on unstable geologic units are effects on users of the project and structures in the project of preexisting environmental hazards, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR.” (*Id.* at p. 474.) Nonetheless, an analysis of these impacts is provided for informational purposes.

4.7.3.3 Impact Evaluation

Impact 4.7-1: The Project would not expose people or structures to potential substantial adverse effects from hazards including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, landslides. (*Less than Significant*)

The Project sites are not within an Alquist-Priolo Earthquake Fault Zone (i.e., on a state-recognized active fault trace). Therefore, although fault rupture could occur on unknown faults, fault rupture is not expected on these two sites and the impact is considered to be less than significant.

There are several active faults in the region, as shown on Figure 4.7-1. As discussed above in Seismicity and Faults, the region will likely experience a large regional earthquake and high-intensity groundshaking within the operational life of the Project. The intensity of such an event would depend on the causative fault and the distance to the epicenter, the moment magnitude, the duration of shaking, and the nature of the geologic materials on which the Project elements would be constructed. The primary and secondary effects of groundshaking could damage structural foundations and place people at risk of injury or death. The impacts from seismic shaking and seismically induced ground failures (e.g., liquefaction, lateral spreading, and/or landslides) are analyzed below.

Construction

The likelihood of a seismic event occurring during construction would be relatively low with minimal risk of injury or property damage because construction would occur over a relatively short period of time and workers would not be on site for extended time periods. Impacts related to seismic shaking and seismically induced ground failures during construction would be less than significant.

Operation

As described in Chapter 3, *Project Description*, the Nursery Basin would be used during wet weather to divert and temporarily detain flood flows and control the volume of flow through the creek. Consequently, the basin would only store water after large rain events, and be emptied shortly afterward, thus reducing the potential for a seismic event to occur at the same time the basin is storing water. The basin would be excavated below existing ground and would have a maximum engineered levee height of 6 to 8 feet on the eastern side.

The basin would be constructed in accordance with state and federal dam and levee design standards. Although the detention basin does not qualify as a dam under Division of Safety of Dams (DSOD) criteria⁹ and the detention basin is not being constructed under the US Army Corps of Engineers (USACE) jurisdiction, the District is designing the Basin using USACE, DSOD, FEMA, and United States Society on Dams (USSD) guidance and design documents. The design requirements include fill composition, compaction procedures, and slope limitation requirements for the levees that would reduce the risk of damage or failure to seismic shaking and seismically induced ground failure, and can be found in the following documents:

Division of Safety of Dams

1. Urban Levee Design Criteria (DSOD, May 2012)
2. Guidelines for Use of the Consequence-Hazard Matrix and Selection of Ground Motion Parameters (DSOD], October 2002)

U.S. Army Corps of Engineers

1. Design and Construction of Levees EM 1110-2-1913 (USACE, April 30, 2000)

⁹ A structure qualifies as a dam under DSOD criteria if it is 25 feet or higher and impounds 15 or more acre feet of water, or 6 feet or higher and impounds 50 or more acre feet of water.

2. Slope Stability EM 1110-2-1902 (USACE, October 31, 2003)
3. Earthquake Design and Evaluation for Civil Works Projects ER 1110-2-1806 (USACE, May 31, 2016)
4. Safety of Dams - Policy and Procedures ER 1110-2-1156 (USACE, March 31, 2014)
5. Selection of Design Earthquakes and Associated Ground Motions EM 1110-2-6000 (USACE, May 5, 2016; in process of being updated)
6. Seismic Analysis of Embankment Dams EM 1110-2-6001 (The EM is reportedly in progress and is not currently available)
7. Settlement Analysis EM-1110-1-1904 (USACE, September 30, 1990)
8. Design Guidance for Levee Underseepage ETL 1110-2-569 (USACE, May 1, 2005)

United States Society on Dams

1. Strength of Materials for Embankment Dams (USSD, February, 2007)

Federal Emergency Management Agency

1. Title 44 Code of Federal Regulations, Section 65.10 (44 CFR 65.10), Mapping of Areas Protected by Levee Systems

The geotechnical investigation for the Project provided specific recommendations to increase stability and reduce risks, including compaction requirements for fill and the removal of unstable soils, especially the removal of liquefaction-susceptible soils. Implementation of these recommendations consistent with state and federal dam and levee design guidance and existing regulatory requirements would ensure the impact relative to seismic events would be less than significant.

At the Downtown San Anselmo site, a building that straddles the creek would be removed, and improvements would be made within the creek channel. The removal of the commercial building would reduce the exposure of both workers and visitors to injury (i.e., people) or damage to the building caused by seismic shaking and seismically induced ground failures. The regrading and other improvements to the creek channel would have the overall effect of increasing stability by limiting erosion which in turn would reduce susceptibility of the creek banks to failure caused by seismic shaking and seismically induced ground failures. Therefore, the removal of the building and the creek channel improvements would be a beneficial impact related to seismic hazards.

Mitigation: None required.

Impact 4.7-2: The Project would not result in substantial soil erosion or the loss of topsoil due to water forces and attendant siltation from excavation, grading, or fill. (Less than significant)

Project construction would involve localized ground disturbance activities (e.g., grading, excavation, fill compaction, and reworking the creek channel) during construction and localized changes in flow conditions (e.g., Nursery Basin, basin outflow pipe) during operation. These activities could result in substantial soil erosion or the loss of topsoil. The erosion and scour effects of altered drainage patterns at the Nursery Basin, in Fairfax Creek, in San Anselmo Creek and in downstream channels are evaluated in Section 4.9, Hydrology and Water Quality, and therefore are not included in this discussion.

Construction

Because the overall footprint of construction activities would exceed one acre, the Project would be required to comply with the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ) (Construction General Permit), and the Marin County and Town of San Anselmo stormwater and erosion control regulations, all of which are described above in the Regulatory Framework. These state and local requirements were developed to ensure that stormwater is managed and controlled on construction sites such that erosion is minimized. The Construction General Permit, along with the similar County and Town regulations, requires the preparation and implementation of a SWPPP, and in the case of the Town of San Anselmo, an Erosion and Sediment Control Plan, that would include the applications of BMPs to control stormwater run-on and runoff from construction work sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. With compliance with the regulations discussed above, impacts associated with soil erosion and loss of topsoil during construction would be less than significant for all Project elements.

Operation

As described in Chapter 3, *Project Description*, the bottom of the Nursery Basin would be vegetated, which would reduce erosion and the loss of topsoil. The creek channels at both sites have soil along the banks but little in the channel bottom. However, the improvements to flow within the channel would reduce the frequency of flooding the surrounding areas, which would reduce the loss of topsoil in adjacent areas during peak storm events. Therefore, the impacts relative to erosion and loss of topsoil would be less than significant.

Mitigation: None required.

Impact 4.7-3: The Project would not cause adverse effects from being located on a 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, or slope instability. (*Less than Significant*)

The erosion and scour effects of altered drainage patterns at the Nursery Basin, in Fairfax Creek, in San Anselmo Creek and in downstream channels are evaluated in Section 4.9, Hydrology and Water Quality, and are not included in this discussion.

Construction

Subsidence is commonly associated with severe, long-term withdrawal of groundwater in excess of recharge that eventually leads to overdraft of the aquifer or of petroleum oil from production zones without reinjection of production water to balance the subsurface pressures. The Project does not include groundwater or petroleum oil withdrawal and thus, there would be no subsidence-related impacts. Liquefaction and lateral spreading are more commonly driven by seismic events, previously analyzed above in Impact 4.7-1 as less than significant. The geotechnical investigation did not identify significant potential for other unstable geologic unit or soils slope stability issues, such as landslides, settling, or lateral spreading to affect the Nursery Basin site or Downtown San Anselmo site. Compliance with existing regulations and construction best management practices would further limit slope instability during construction of improvements in and along creek channels.

Operation

As discussed above, the geotechnical investigation did not identify significant potential for landslides, lateral spreading, or other slope stability issues to affect the Nursery Basin. The Project would replace the existing foundation at the Downtown San Anselmo site with bioengineered slope materials designed to stabilize the creek banks in that area. As noted above, the effects of the project on creek bank stability and erosion in other locations is discussed in Section 4.9, Hydrology and Water Quality. Therefore, Project operation would not cause substantial adverse effects related to soil stability and the impacts would be less than significant.

Mitigation: None required.

Impact 4.7-4: The Project would not cause adverse effects from being located on expansive soil, as defined in Section 1803.5.3 of the CBC, creating substantial risks to life or property, including deformation of foundations or damage to structures. (*Less than Significant*)

Expansive soils would only have the potential to damage structures after construction has been completed; for this reason, this discussion only evaluates potential effects that would occur during operation of the Project.

As discussed in the Setting, the area of creek channel improvements does not have expansive soils. At the former Sunnyside Nursery site, the soil borings drilled for the geotechnical

investigation did not encounter clays susceptible to expansion. Therefore, soils next to and under the former Sunnyside Nursery site have a low potential for expansive soils. In addition, the construction of the basin would use engineered fill not susceptible to expansion. With compliance with the previously described regulatory requirements and geotechnical practices and the removal of soil beneath the basin site, impacts relative to expansive soils would be less than significant.

Mitigation: None required.

Impact 4.7-5: The Project would not cause substantial changes in topography from excavation, grading, or fill, including but not limited to ground surface relief features, geologic structures or unstable conditions, or unique geologic or physical features. (*Less than Significant*)

Construction and Operation

The Project's largest topographic surface changes would be at the Nursery Basin with excavation to about 6 feet deep and construction of the 6- to 8-foot high levee on the southeast side. These changes would be limited to the basin site and designed to not adversely affect the surrounding area. The side-weir would be constructed of earth fill, heavy geotextile fabric, and rock slope protection. The interior basin slope would be covered by erosion control blankets and native grass to prevent erosion. The basin bottom and cut slopes would be designed to minimize seepage through the levee and would be planted/hydro-seeded to establish a native grassland. Oak-Bay Woodland vegetation planted along the outer toe of the levee on the east side of the basin and at other selected locations would reduce erosion. At the Downtown San Anselmo site, there would be some regrading of the creek channel to make it more naturalistic and increase flow capacity, but the top of bank and bottom of the channel would not be substantially changed. The changes have been designed to increase flow capacity and reduce erosive forces. Therefore, the impact would be less than significant.

Mitigation: None required.

Impact 4.7-6: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (*No Impact*)

Construction and Operation

As discussed in the Environmental Setting above, paleontological resources have not been found and are not anticipated in sediments and rocks at either of the Project sites. The geologic materials consisting of alluvium and Franciscan bedrock are widespread throughout the Coast Ranges and are not considered to include unique geologic features. The former Sunnyside Nursery site has been repeatedly plowed as a part of the historical nursery operations; therefore, fossils in the uppermost layers of the soil, in the unlikely event that any were ever present, would have been destroyed long ago. The Downtown San Anselmo site is within the creek bed

composed of alluvium derived from Franciscan Formation bedrock with no expected paleontological resources. Therefore, the Project would have no impact relative to paleontological resources or unique geologic features.

Mitigation: None required.

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4.8 Hazards and Hazardous Materials

This section evaluates the potential for the San Anselmo Flood Risk Reduction Project (Project) to result in adverse impacts related to hazards and hazardous materials. The analysis is based on review of available reports and maps of the Project area and vicinity, including site-specific investigations conducted for the Project, the relevant regulations, and a discussion of the methodology and thresholds used to determine whether the Project would result in significant impacts. Note that flooding hazards are analyzed in Chapter 4, Section 4.9, Hydrology and Water Quality, and air quality is analyzed in Chapter 4, Section 4.3, Air Quality and Greenhouse Gas Emissions.

4.8.1 Environmental Setting

The study area for evaluation of hazards and hazardous materials impacts includes the flood diversion and storage basin at the former Sunnyside Nursery site and the Downtown San Anselmo site, along with nearby properties with the potential to affect the Project. In addition, the larger Project vicinity up to 0.25 mile from Project sites is considered relative to proximity to schools and up to two miles relative to proximity to airports.

4.8.1.1 Hazardous Materials at the Project Sites

Nursery Basin (3000 Sir Francis Drake Boulevard)

The former Sunnyside Nursery site was initially used as a dairy ranch prior to 1940 and as a plant nursery from about 1940 through 2014 (refer to Figure 3-9 for location) (ESA, 2017b; Marin II, 2015). Plants were grown both in the ground and in various containers. The use as a nursery is assumed to have included fertilizers, pesticides, and herbicides. Some low detections of volatile and semi-volatile organic compounds, organochlorine pesticide constituents, and metals were found at the site, although none exceeded Regional Water Quality Control Board (RWQCB) environmental screening levels as shown in **Table 4.8-1** (GEI Consultants, 2017) (see Regulatory Setting below for discussion of environmental screening levels).

The site has two buildings: a residence and an art studio. Both buildings are near the northwest corner of the property, an area surrounded by mature trees. The wooden residence was built around 1971; the art studio is a Quonset hut that dates to at least 1952 (ESA, 2017b). Both structures pre-date the banning of the use of asbestos-containing materials (ACM) and lead-based paint (LBP) in the 1970s. In addition, older fluorescent light ballasts, if present, may contain mercury. The structures have not been investigated for the presence of hazardous building materials and it is unknown if any are present.

As discussed in Section 4.6, Geology, Seismicity, Soils, and Paleontological Resources, the geologic units that underlie the Project consist of alluvium underlain by the Franciscan Formation. The alluvium is largely derived from erosion of the Franciscan Formation. The Franciscan Formation includes serpentinite and other ultramafic rocks that are known to contain relatively higher concentrations of certain metals, including arsenic, chromium, and nickel

(Duverge, 2011). Arsenic concentrations in Bay Area soils typically exceed risk-based screening levels by one or more orders of magnitude (RWQCB, 2016). These metals are common to the region and typical of background values (GEI, 2017).

**TABLE 4.8-1
SUMMARY OF ANALYTICAL SOIL TESTING RESULTS, FORMER SUNNYSIDE NURSERY SITE**

Analyte	San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels ^a		Test Results ^c
	Direct Exposure Human Health Risk Level - Res: Shallow Soil Exposure	Tier 1 ESL ^b	
Volatile Organic Compounds (µg/kg)			
Toluene	970,000	2,900	0.9
Semivolatile Organic Compounds (µg/kg)			
2-Methylnaphthalene	240,000	250	12
Phenanthrene	--	11,000	28
bis(2-Ethylhexyl)phthalate	39,000	39,000	68
Organochlorine Pesticides (µg/kg)			
Heptachlor epoxide	67	0.42	7.3
4,4'-DDE	1,900	1,900	58
4,4'-DDD	2,700	2,700	6
4,4'-DDT	1,900	1,900	110
alpha-Chlordane	480 ^d	480 ^d	33
gamma-Chlordane			33
Metals (mg/kg)			
Antimony	31	31	0.23
Arsenic ^e	0.07	0.07	8.1
Barium	15,000	3,000	440
Beryllium	150	42	0.59
Cadmium	39	39	0.130
Chromium ^f	0.3	0.3	110
Cobalt	23	23	22
Copper	3,100	3,100	39
Lead	80	80	15
Mercury	13	13	0.66
Molybdenum	390	390	0.79
Nickel ^g	820	86	140
Selenium	390	390	0.20
Silver	390	390	0.063
Thallium	1	1	0.070
Vanadium	390	390	59
Zinc	23,000	23,000	85
Total Organic Carbon (%)			
Total Organic Carbon	--	--	1.00

TABLE 4.8-1 (CONTINUED)
SUMMARY OF ANALYTICAL SOIL TESTING RESULTS, FORMER SUNNYSIDE NURSERY SITE

NOTES:

- ^a Environmental Screening Levels, San Francisco Bay Regional Water Quality Control Board, February 2016 (Rev. 3)
- ^b Tier 1 ESLs are used for protecting sites with unrestricted land and water use, shallow soil contamination, shallow groundwater, and permeable soil per *ESL Users Guide, SFRWQCB, February 22, 2016*
- ^c Test results list the highest concentration of given analyte from the sample locations
- ^d sum Chlordane concentration
- ^e Arsenic concentrations in Bay Area soils typically exceed risk-based screening levels by one or more orders of magnitude. In many situations, this is due to naturally-occurring background concentrations; regional studies have identified naturally-occurring background arsenic concentrations of 11 mg/kg and 15.3 mg/kg.
- ^f ESL for Chromium VI. Sampling evaluated total chromium. The detected total chromium at the site is expected to mostly consist of Chromium III, for which the Tier 1 ESL is 120,000 mg/kg. Similar to arsenic, chromium can be present in regional soils exceeding the ESLs; regional studies have identified ambient background chromium concentrations of 112 mg/kg.
- ^g Similar to arsenic, nickel can be present in regional soils at background levels exceeding the ESLs; regional studies have identified ambient background nickel concentrations of 112 mg/kg.

SOURCE: Appendix C – Hazards and Hazardous Materials Supporting Documentation

634-636 San Anselmo Avenue

The Downtown San Anselmo site, shown on Figure 3-11, includes the one-story commercial building at 634-636 San Anselmo Avenue that straddles San Anselmo Creek and would be removed. The building was constructed in 1938 (ESA, 2017a) and therefore pre-dates the banned use of ACMs and LBP in the 1970s. However, the structure was investigated for the presence of hazardous building materials and was found to contain LBP and other miscellaneous hazardous building materials (such as light ballasts and exit signs) but no ACMs (Ninyo & Moore, 2017).

The history of the building is summarized as follows. In 1938, the Richfield Oil Company constructed an oil service station on this location (ESA, 2017a). The 1950 Sanborn map illustrates that the service station had expanded to provide gas and oil as well as an auto repair shop, and the building is shown as a series of five connected one-story spaces that include a covered area for pumping gas (Sanborn, 1950). In 1972, unspecified alterations were undertaken to renovate the old service station and auto repair shop into a real estate and crafts office (ESA, 2017a).

The previous businesses listed at this address are as follows:

1. C.W. Caletti Service Station (1938)
2. Henrietta Style Shop (1940)
3. Rio Grande Service Station (1941)
4. Wollman Tire Co. and Packard Taxi (1945)
5. Larkspur Pet Shop a.k.a. Griff's Rod & Dog Shop (1951)
6. Lee's Tune-Up Service and Chevron Service Station (1953-1961)
7. Prishman Auto Repair (1967-1972)
8. Ted Smith Realtors and coffee shop (1972-1977 or possibly later)

Two 1,000-gallon gasoline and one 750-gallon waste oil underground storage tanks (USTs) were removed from the site in 2000 along with their associated pipelines (Lafferty, 2000).

Observations at the time of the removal, indicated that the USTs had not leaked and no stained soil was present beneath the USTs. Soil samples were collected from beneath the USTs and

analyzed for fuel and waste oil compounds. No gasoline constituents were detected. Trace concentrations of degraded diesel and waste oil were detected in one sample but all at low concentrations below action levels. Based on the analytical testing results, the Marin County Department of Public Works issued a no further action letter in 2000 (Marin County DPW, 2000).

The current tenants of the property include the Ranch Salon, San Anselmo Optometry, Coldwell Banker, and the L'Appart Resto (restaurant).

4.8.1.2 Hazardous Materials at Nearby Sites

Near Nursery Basin

According to a review of the Geotracker and EnviroStor databases,¹ there are no listed hazardous materials sites at or upgradient (upstream) within at least 4.5 miles of the Nursery Basin site (SWRCB, 2017).

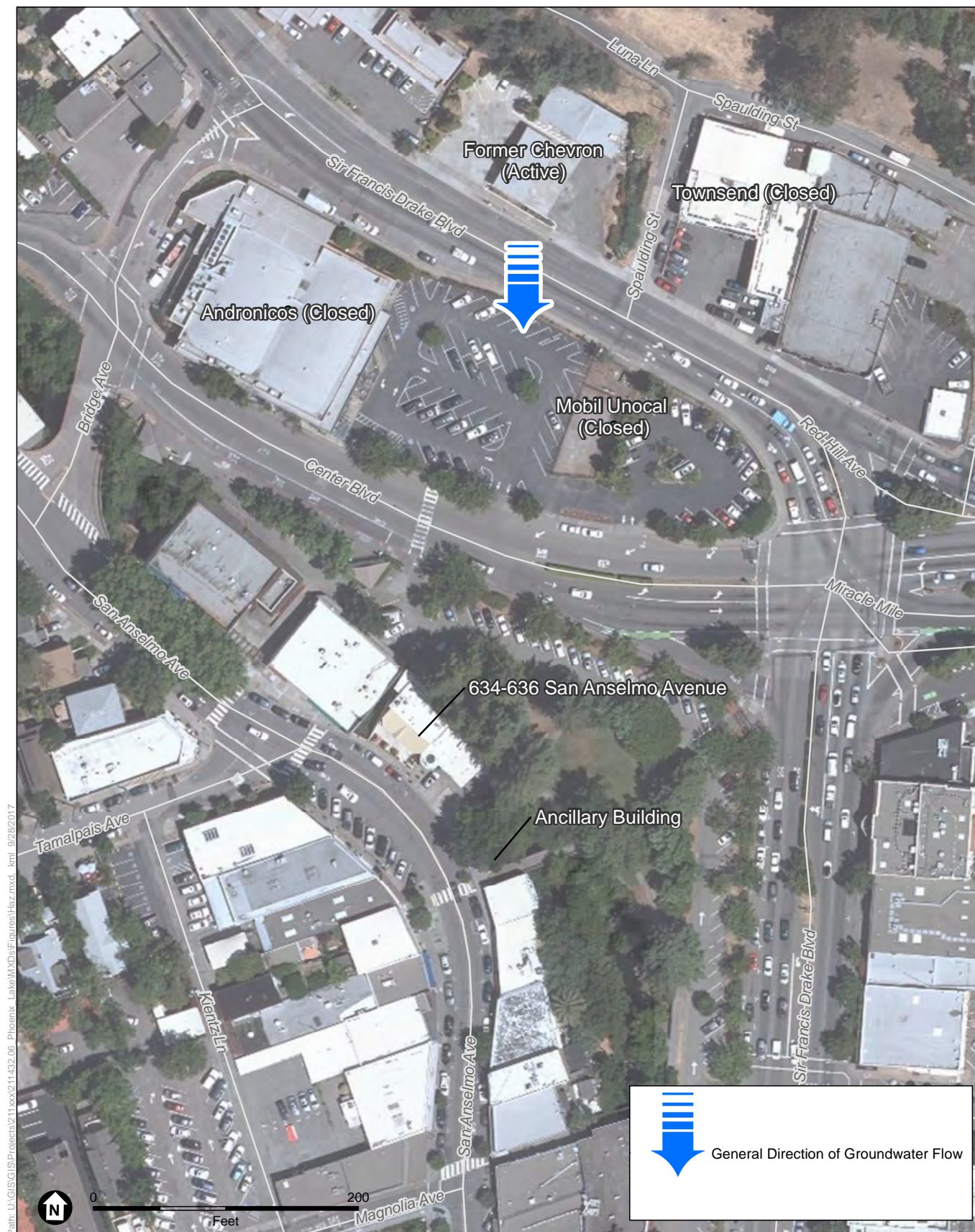
Near 634-636 San Anselmo Avenue

The former Chevron service station, which was located at 700/750 Sir Francis Drake Boulevard, approximately 400 feet north of the commercial building as shown on **Figure 4.8-1**, is an active UST cleanup site (Pangea, 2015). Soil and groundwater have been contaminated with gasoline, diesel, motor oil, and the fuel additive methyl tertiary butyl ether (MTBE). The fuel and waste oil USTs were removed in December 1995 and January 1996, along with 1,700 cubic yards of contaminated soil and 75,000 gallons of contaminated groundwater. The extent of residual soil contamination is limited to the site and is below regulatory action levels.

The direction of groundwater flow is to the south. Groundwater contaminated with gasoline and the fuel additive MTBE is present on site and extends downgradient (south) but still being delineated as to its full extent. The consultant for the former Chevron site opined that the off-site groundwater contamination is a result of a combination of several previously closed UST cases (Pangea, 2015). The Guasco Market (100 Center Boulevard) case located on the current Andronico's Market property was closed in 1996. The former Mobil Unocal case was adjacent and east of the Andronico's at 631 Sir Francis Drake Boulevard, had diesel listed as the contaminant of concern, and was closed in 1997. The Townsend & Townsend Property east of the subject site was closed in 1995. As of March 13, 2017, groundwater contamination extended south to at least Center Boulevard and may extend further (Pangea, 2015).

Adjacent to the Downtown San Anselmo site is the one-story commercial building at 630 San Anselmo Avenue. This building had been considered for removal as part of this Project, but it is no longer included in the construction footprint. Information on it is presented for completeness and contextual purposes. The building was constructed by 1946 (ESA, 2017a). This date pre-dates the banning of the use of ACM and LBP in the 1970s. In addition, older fluorescent light

¹ The State Water Resources Control Board and the Department of Toxic Substances Control maintain the GeoTracker and EnviroStor public websites, respectively, that track active and recently closed hazardous materials sites.



SOURCE: Pangea, 2017; ESRI

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Figure 4.8-1
Hazardous Materials Sites

ballasts, if present, may contain mercury. The structure has been investigated for the presence of hazardous building materials and was found to contain LBP. The history of the building is summarized below. The original use was as a taxi stand. Since then, the ancillary building has been used as a real estate office, beauty salon, hat store, artist's studio, and currently as an art gallery. The listed land uses would not have included large quantities or volumes of hazardous materials.

Nearby Airports

There are no public or private airports within two miles of either of the Project locations. The nearest airport to the Project sites is the San Rafael Airport at 400 Smith Ranch Road in San Rafael. This private airport is more than 3.25 miles away from the Downtown San Anselmo Project site and 5 miles from the Nursery Basin site. The Marin County Airport, known as Gnos Field, provides a broader range of aviation services (including Civil Air Patrol, medical helicopters, the Sheriff's Department flights) and is located at 451 Airport Road in Novato, which is almost 10 miles away from both sites.

Nearby Schools

Schools within 0.25 miles of the sites include the following:

Nursery Basin Site:

1. White Hill Middle School, 101 Glen Drive, Fairfax, about 650 feet to the east

Downtown San Anselmo Site:

1. ABC Academy Pre-School, 176 Tunstead Ave, San Anselmo, about 950 feet to the southwest
2. Little Sprouts Daycare, 150 Pine St, San Anselmo, about 950 feet to the southwest

4.8.1.3 Wildfire Hazards

California Department of Forestry and Fire Protection (CAL FIRE) maps identify fire hazard severity zones in state and local responsibility areas for fire protection. The Nursery Basin and Downtown San Anselmo sites are not within or near a high or very high fire hazard severity zones (CAL FIRE, 2007, 2008). However, the Nursery Basin site is located adjacent to areas of historical wildfires (ABAG, 2018a). In addition, according to mapping compiled by the Association of Bay Area Governments (ABAG), the Nursery site is located in an area that is considered to be a wildland urban fire threatened area (ABAG, 2018b).

4.8.1.4 Emergency Response or Evacuation Plans

Marin County

Marin County maintains an Emergency Operations Plan that is intended to provide adequate preparation and agency response to natural or human-caused disasters that threaten the health or property of residents and businesses (Marin County, 2007). The plan describes how emergency

management will be coordinated; identifies personnel responsibilities and actions necessary to protect health and safety, property, and the environment; and details procedures before, during, and after a major event.

Town of San Anselmo

The Town of San Anselmo has designated Sir Francis Drake Boulevard, Red Hill Avenue, and Oak Springs Drive as emergency and evacuation routes (Town of San Anselmo, 2015). The Downtown San Anselmo site is not on any of these routes, though it is near the intersection of Red Hill Avenue and Sir Francis Drake Boulevard. The site would be accessed from San Anselmo Avenue.

Town of Fairfax

The Town of Fairfax Emergency Operations Plan does not identify specific emergency and evacuation routes (Town of Fairfax, 2015). The former Sunnyside Nursery site is adjacent to and would be accessed from Sir Francis Drake Boulevard, a primary route through the town.

4.8.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.8.2.1 Federal Regulations

Comprehensive Environmental Response, Compensation, and Liability Act, and the Superfund Amendments and Reauthorization Act of 1986

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund or CERCLA, provides for the response and cleanup of hazardous substances that may endanger public health or the environment. The Superfund Amendments and Reauthorization Act (SARA) amended Superfund to increase state involvement and required Superfund actions to consider state environmental laws and regulations. Relevant to this Project, SARA also established a regulatory program for the Emergency Planning and Community Right-to-Know Act.

The applicable part of SARA for the Project is Title III, otherwise known as the Emergency Planning and Community Right-To-Know Act of 1986. Title III requires states to establish a process for developing local chemical emergency preparedness programs and to receive and disseminate information on hazardous substances present at facilities in local communities. The law provides primarily for planning, reporting, and notification concerning hazardous substances. Key provisions require notification when extremely hazardous substances are present above their threshold planning quantities, immediate notification to the local emergency planning committee and the state emergency response commission when a hazardous material is released in excess of its reportable quantity, and that Safety Data Sheets (formerly called Material Safety Data Sheets) for all hazardous materials or a list of all hazardous materials be submitted to the state and local emergency planning agencies and local fire department.

SARA applies to the Project because contractors working on the Project that use hazardous materials would be required to comply with requirements for the management of hazardous materials, including ensuring that all hazardous materials they use have Safety Data Sheets.

Resource Conservation and Recovery Act of 1976, Toxic Substances Control Act of 1976, and Hazardous and Solid Waste Act of 1984

Implementation of the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA) of 1976 resulted in the creation of a major federal hazardous waste regulatory program that is administered by USEPA. USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended by the associated Hazardous and Solid Waste Amendments (HSWA), which affirmed and extended the concept of regulating hazardous wastes from generation through disposal. HSWA specifically prohibits the use of certain techniques for the disposal of some hazardous wastes. Under RCRA, individual states may implement their own hazardous waste programs instead of RCRA, as long as the state program is at least as stringent as the federal RCRA requirements. USEPA approved California's program to implement federal hazardous waste regulations on August 1, 1992.

RCRA applies to the Project because contractors working on the Project that use hazardous materials would be required to comply with requirements for the use, handling, transportation, storage, and disposal of hazardous materials.

Clean Water Act

The federal Clean Water Act and subsequent amendments, under the enforcement authority of the U.S. Environmental Protection Agency (USEPA), was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The Clean Water Act gave the USEPA the authority to implement pollution control programs such as setting wastewater standards for industry. In California, implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) program is conducted through the California State Water Resources Control Board (SWRCB) and the nine RWQCBs. The Clean Water Act also sets water quality standards for surface waters and established the NPDES program to protect water quality. Under Section 402 of the Act, discharge of pollutants is prohibited unless the discharge is in compliance with an NPDES permit. The NPDES program requires all facilities that discharge pollutants into waters of the United States to obtain a permit. The discharge permit provides limitations on pollutant concentrations to protect the water quality of the receiving waters. In 1972, the NPDES regulations initially focused on municipal and industrial wastewater discharges, followed by stormwater discharge regulations, which became effective in November 1990. NPDES permits for wastewater and industrial discharges specify discharge prohibitions and effluent limitations and also include other provisions (such as monitoring and reporting programs) deemed necessary to protect water quality.

The CWA applies to the Project because contractors working on the Project that use hazardous materials (e.g., fuel) would be required to comply with requirements to prevent spills of hazardous materials into San Anselmo and Fairfax Creeks.

U.S. Department of Transportation Hazardous Materials Transport Act of 1974

The U.S. Department of Transportation, in conjunction with USEPA, is responsible for enforcement and implementation of federal laws and regulations pertaining to transportation of hazardous materials. The Hazardous Materials Transportation Act of 1974 directs the U.S. Department of Transportation to establish criteria and regulations regarding the safe storage and transportation of hazardous materials. CFR 49, 171–180, regulates the transportation of hazardous materials, types of material defined as hazardous, and the marking of vehicles transporting hazardous materials.

The Hazardous Materials Transportation Act applies to the Project because contractors working on the Project that transport hazardous materials such as fuel would be required to comply with requirements for the safe storage and transportation of hazardous materials.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act was passed to address employee safety in the workplace. The act created the Occupational Safety and Health Administration (OSHA), whose mission is to ensure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. The OSHA staff establishes and enforces protective standards and reaches out to employers and employees through technical assistance and consultation programs. Some OSHA regulations contain standards related to hazardous materials handling, including workplace conditions, employee protections requirements, first aid, and fire protection. The regulations in 29 CFR et seq. include the following:

1. Part 1910.38 requires facilities to have an emergency action plan to ensure the safe response to emergencies.
2. Part 1910.119 contains requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals, which may result in toxic, fire, or explosion hazards.
3. Part 1910.1200 ensures that the hazards of all chemicals produced or imported are classified, and that information concerning the classified hazards is transmitted to employers and employees. The transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets, and employee training.

OSHA would apply to the Project because contractors working on the Project that use or transport hazardous materials such as fuel would be required to comply with requirements to prevent spills and to have an emergency action plan in the event that a spill occurs.

4.8.2.2 State Regulations

NPDES Construction General Permit

The National Pollutant and Discharge Elimination System (NPDES) Construction General Permit is applicable to the Project. Details of the Construction General Permit are provided in

Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources. The Construction General Permit would apply to the Project because more than one acre would be disturbed.

Hazardous Materials Release Response Plans and Inventory Act

The Hazardous Materials Release Response Plans and Inventory Act of 1985, codified in Health and Safety Code, Sections 25500 et seq., also known as the Business Plan Act, requires businesses using hazardous materials to prepare a Hazardous Materials Business Plan (HMBP) that describes their facilities, inventories, emergency response plans, and training programs. HMBPs contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed. This code and the related regulations in 19 California Code of Regulations (CCR) Sections 2620 et seq. require local governments to regulate local business storage of hazardous materials in excess of certain quantities. The law also requires that entities storing hazardous materials be prepared to respond to releases. Those using and storing hazardous materials are required to submit a HMBP to their local Certified Unified Program Agency (CUPA) (see more below under the Unified Program) and to report releases to their CUPA and the State Office of Emergency Services. The California Office of Emergency Services is responsible for implementing the accident prevention and emergency response programs established under the Act and implementing regulations.

The HMBP would apply to the Project because contractors working on the Project that use hazardous materials would be required to comply with requirements for the use, handling, transportation, storage, and disposal of hazardous materials. The HMBP would include a spill response plan.

Hazardous Waste Control Act

The Hazardous Waste Control Act of 1972, codified in Health and Safety Code Sections 25100 et seq., created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The Act is implemented by regulations contained in CCR Title 26, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling treatment, storage and disposal facilities; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the Department of Toxic Substances Control (DTSC).

The Hazardous Waste Control Act would apply to the Project because contractors working on the Project that generate hazardous waste (e.g., ACM, LBP) would be required to comply with requirements for the use, handling, transportation, storage, and disposal of hazardous materials.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), codified in Health and Safety Code Sections 25404 et seq., requires the administrative consolidation of six hazardous materials and waste programs under one agency, a CUPA. The following programs are consolidated under the Unified Program:

1. Hazardous Waste Generator and On-Site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting);
2. Aboveground Petroleum Storage Tanks and SPCCs;
3. Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”);
4. California Accidental Release Prevention Program;
5. UST Program; and
6. Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. The Marin County Department of Public Works is the CUPA for all of Marin County, including the towns of San Anselmo and Fairfax. Most of the previously described regulations are under the jurisdiction of the Marin County CUPA.

California Occupational Safety and Health Act

The California Occupational Safety and Health Act of 1973, codified in California Labor Code, Sections 6300 et seq., addresses California employee working conditions, enables the enforcement of workplace standards, and provides for advancements in the field of occupational health and safety. The act also created the California Occupational Safety and Health Administration (Cal OSHA), the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal OSHA’s standards are generally more stringent than federal regulations. Under Cal OSHA standards, the employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337–340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

Cal OSHA would apply to the Project because contractors working on the Project that use or transport hazardous materials such as ACM or LBP from the demolition of a building would be required to comply with requirements to manage and dispose of the hazardous materials.

Utility Notification Requirements

The regulations in 8 CCR Section 1541 require excavators to determine the approximate locations of subsurface installations, such as sewer, telephone, fuel, electric, and water lines (or any other subsurface installations that may reasonably be encountered during excavation work) prior to opening an excavation. The California Government Code (Sections 4216 et seq.) requires owners and operators of underground utilities to become members of and participate in a regional notification center. According to Section 4216.1, operators of subsurface installations who are members of, participate in, and share in the costs of a regional notification center, such as Underground Services Alert of Southern California, more commonly referred to as DigAlert, are in compliance with this section of the code. DigAlert receives planned excavation reports from public and private excavators and transmits those reports to all participating members that may have underground facilities at the location of excavation. Members will mark or stake their facilities, provide information, or give clearance to dig. This notification requirement would apply to the Project because of the proposed excavation activities.

Screening Levels for Hazardous Materials in Soil, Soil Gas, or Groundwater

The USEPA RSLs² and San Francisco Bay Area RWQCB ESLs are guidelines used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred. Screening levels have been established for both residential and commercial/industrial land uses, and for construction workers. Residential screening levels are the most restrictive; soil with chemical concentrations below these levels generally would not require remediation and would be suitable for unrestricted uses if disposed of off site. Commercial/industrial screening levels are generally less restrictive than residential screening levels because they are based on potential worker exposure to hazardous materials in the soil (and these are generally less than residential exposures). Screening levels for construction workers are also less restrictive than for commercial/industrial workers because construction workers are only exposed to the chemical of concern during the duration of construction, while industrial workers are assumed to be exposed over a working lifetime.

TTLCs and Soluble Threshold Limit Concentrations (STLCs) are chemical-specific concentrations used to define whether a material is a hazardous, designated, or non-hazardous waste. TTLCs and STLCs are listed in CCR Title 22, Chapter 11, Article 3, Section 66261. TTLCs and STLCs are used as acceptance criteria for landfills. For example, waste materials with chemical concentrations above TTLCs or STLCs must be sent to Class I disposal facilities, may be sent to Class II disposal facilities depending on the waste material, and may not be sent to Class III disposal facilities.

In the event that excavation activities encounter soil or groundwater that may be contaminated, screening levels would be used to assess whether the materials are hazardous and need further action.

² RSLs were previously referred to as Preliminary Remediation Goals (PRG), cited in older investigation reports.

California Construction Safety Orders for Lead

CCR Title 8, Section 1532.1, Lead, establishes the requirements for any construction worker who may be exposed to lead during demolition or salvage, removal or encapsulation, new construction, and cleanup activities. The construction safety orders establish an action level of 30 micrograms of lead per cubic meter ($\mu\text{g}/\text{m}^3$) of air calculated over an 8-hour time-weighted average without regard for the use of a respirator, meaning this is the limit where safety protocols must be initiated, such as use of a respirator. Under no circumstances may a worker be exposed to $50 \mu\text{g}/\text{m}^3$ over an 8-hour weighted period. These regulations require implementation of engineering and work practice controls such as respiratory protection, protective clothing, housekeeping, hygiene practices, and signage requirements to meet worker exposure limits. Survey and cleanup must be conducted by state-certified consultants and contractors. Medical monitoring and training requirements are also identified. The Bay Area Air Quality Control Board is the regulatory agency that oversees and enforces compliance. These regulations apply because the building to be removed at 634-636 San Anselmo Avenue has LBP.

California's Universal Waste Rule

California's Universal Waste Rule (22 CCR 66261.9, 66273.1 through 66273.20) allows individuals and businesses to transport, handle and recycle certain common hazardous wastes, termed universal wastes, in a manner that differs from the requirements for most hazardous wastes (DTSC, 2010). The more relaxed requirements for managing universal wastes were adopted to ensure that they are managed safely and are not disposed of in the trash.

Universal wastes are hazardous wastes that are widely produced by households and many different types of businesses. Universal wastes include televisions, computers and other electronic devices as well as batteries, fluorescent lamps, mercury thermostats, and other mercury containing equipment, among others. Fluorescent light tubes, ballasts, and switches may contain PCBs and/or mercury, especially older fixtures.

Conditionally Exempt Small Quantity Universal Waste Generators are exempt from most of the requirements of the universal waste regulations provided they comply with certain conditions (22 CCR 66273.8). The demolition of the 634-636 San Anselmo Avenue building would qualify because the volume of PCB and/or mercury-containing materials would be less than 100 kilograms (220 pounds) of RCRA hazardous waste, including universal waste that is RCRA universal waste and less than one kilogram of acutely hazardous waste in a calendar month. (RCRA hazardous waste is hazardous waste that is regulated under the hazardous waste regulations adopted by the U.S. Environmental Protection Agency.) Handlers who qualify for these exemptions are not required to obtain an EPA ID number or otherwise notify DTSC, keep records of shipments or provide annual reports to DTSC, or to label their universal waste.

A Conditionally Exempt Small Quantity Universal Waste Generator may not send universal waste to a municipal solid waste (garbage) landfill or a non-hazardous waste recycling center. All handlers of universal waste must relinquish their universal waste to one of the following:

1. Another handler (typically a business that specializes in collecting, storing, accumulating and shipping universal wastes). Examples include a household hazardous waste facility, a “Take-it-Back Partner” such as a retailer or manufacturer, or a collection event.
2. A universal waste transporter. Examples include a curbside household hazardous waste collection program, a package service (e.g., postal service, UPS), or a destination facility that offers a pick-up service.
3. A universal waste destination facility (generally, a facility with a permit to treat, store, or dispose of hazardous waste).

Search engines available to find locations accepting universal waste in the local area include E-Recycle.org; Earth911.org; the CalRecycle database; DTSC; and household hazardous waste list.

NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ)

Areas that drain to small separate stormwater collection systems, such as those within Marin County, are subject to the State Water Resources Control Board (SWRCB) the General Permit for Waste Discharge Requirements for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Order No. 2013-001-DWQ (Small MS4 General Stormwater Permit), which identifies specific Best Management Practices (BMPs) and management measures to be addressed and requires permittees to submit a guidance document to the SWRCB documenting their strategies for complying with permit requirements. Marin County and the Towns of San Anselmo and Fairfax addressed these requirements with the development and implementation of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) summarized below. Both the MS4 permit and MCSTOPPP are discussed in more detail in Chapter 4, Section 4.9, Hydrology and Water Quality.

4.8.2.3 Local Regulations

Marin Countywide Plan

The Marin Countywide Plan would apply to the Nursery Basin site since the basin is in the County just northwest of the Town of Fairfax. The following goals and policies are relevant to hazards and hazardous materials:

Public Safety

Goal PS-4: Decreased Exposure to Hazardous Materials. Reduce the risks to human and environmental health from hazardous materials.

Policy PS-4.1: Regulate and Reduce Hazardous Material Use. Control the use and storage of hazardous materials to minimize their presence in, and potential dangers to, the community and environment.

Implementing Program PS-4.b: Regulate Hazardous Material Use. Identify businesses that use, store, dispose of, or transport hazardous materials, and require them to follow measures that protect public health and safety.

Marin County Municipal Code Chapter 23.18, Stormwater Runoff Pollution Prevention (County of Marin Stormwater Runoff Pollution Prevention Ordinance)

The intent of this chapter is to protect and enhance the water quality of Marin County's watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Clean Water Act, the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), and the Phase II MS4 NPDES Permit, Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004 (Phase II stormwater permit) and subsequent revisions and amendments thereto. This chapter would apply to the Project.

Marin County Stormwater Pollution Prevention Program

The MCSTOPPP is a joint entity of cities, towns, and unincorporated areas constituted to prevent stormwater pollution, protect and enhance water quality in creeks and wetlands, preserve beneficial uses of local waterways, and comply with state and federal regulations governing water quality, including the MS4 permit requirements. The MCSTOPPP is discussed in more detail in Section 4.9 Hydrology and Water Quality.

Town of Fairfax Municipal Code

Title 8: Health and Safety

Chapter 8.32: Urban Runoff Pollution Prevention: 8.32.020 Discharge Regulations and Requirements.

- (C) Discharge in violation of permit. (1) Any discharge that would result in or contribute to a violation of the Phase II Stormwater Permit and any amendment, revision or reissuance thereof, either separately considered or when combined, with other discharges, is prohibited.
 - (D) Illicit discharges and illicit connections. (3) Any person responsible for a discharge, spill, or pollutant release shall promptly cease and desist discharging and/or cleanup and abate such a discharge as directed by the authorized enforcement official.
 - (E) Reduction of pollutants in urban runoff. Any person engaged in activities which will or may result in pollutants entering the storm drains shall undertake all practicable measures to cease the activities, and/or eliminate or reduce the pollutants. The activities shall include, but not be limited to ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, ground disturbing activities, and stores fronting town streets.
- (3) Construction-phase best management practices.
- (a) Any person performing construction activities in the town shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering the storm drain system or watercourse.
 - (b) The town has the authority to review designs and proposals for construction activities to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization.

- (c) Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.

(4) Erosion and Sediment Control Plan requirements.

- (a) When required by the Phase II Stormwater Permit or by the town, a project shall have an Erosion and Sediment Control Plan (ESCP) which addresses erosion and sediment control and pollution prevention during the construction phase as well as final stabilization control measures. The ESCP and the specific control measures to be utilized shall be subject to the review and approval of the town. The ESCP shall be implemented year round and shall be revised to reflect changing conditions on the project site. The town shall require modifications of an approved ESCP if during the course of construction at a site unanticipated conditions occur or the plans prove inadequate for the intended purpose. Revisions of the approved ESCP shall be submitted to the town for review and approval. An ESCP shall be required for any project:
 - 1. Subject to a grading permit under Chapter 12.20 Excavations Generally;
 - 2. Subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste;
 - 3. As required by the town considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.
- (b) The ESCP shall be submitted for review and approval by the town. The project applicant shall follow the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include:
 - 1. Description of the project and soil disturbing activity;
 - 2. Site specific construction-phase BMPs;
 - 3. Rationale for selecting the BMPs;
 - 4. List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit; Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements).

- (c) If the project requires coverage under the Construction General Permit issued by the SWRCB, Permit Registration Documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the town prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP.
- (d) Financial security may be required to ensure that temporary measures to control stormwater pollution are implemented and maintained during construction and after construction for a period determined by the town. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the town.
- (e) Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the town for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the town for review and approval.

Town of Fairfax General Plan

The Project would not take place within the limits of the Town of Fairfax, but portions of its general plan are included here for informational purposes.

Safety Element

Goal S-3: Minimize risk due to fire hazards.

Objective S-3.1.1: Protect people and property from risks associated with urban and wildland fire.

Policy S-3.1.3: Maximize access and egress for emergency response vehicles.

Program S-3.1.3.5: Identify critical emergency access roads maintained by Marin County or other jurisdictions and ensure access by emergency vehicles and equipment.

Town of San Anselmo Municipal Code

Title 5 Sanitation and Health Chapter 8 Urban Runoff Pollution Prevention

5-8.06: Discharge of pollutants. (a) The discharge of non-stormwater discharges to storm drains is prohibited. All discharges of material other than stormwater must be in compliance with an NPDES permit issued for the discharge.

5-8.10: Construction-phase best management practices. This Town code section is focused on runoff from construction sites, which also would apply to the management of hazardous materials at construction sites, and is included in Chapter 4, Section 4.7 Geology, Seismicity, Soils, and Paleontological Resources.

4.8.3 Impacts and Mitigation Measures

The following analysis discusses the potential significant impacts of the Project related to hazards and hazardous materials for the Project. This section includes an analysis of potential short-term

(construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. Mitigation measures are identified, as necessary, to reduce significant impacts.

4.8.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact relative to hazards and hazardous materials if it would:

- 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 or by exposing sensitive receptors to substantial pollutant concentrations;
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school or other sensitive receptors;
- 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 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, result in a safety hazard for people residing or working in the project area;
- f) For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area;
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- h) Expose people or structures to a significant or increased risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

The following significance criteria are considered to have no impact, as discussed below, and are not analyzed further.

1. ***Proximity to schools.*** The three schools within 0.25 mile of the work sites are not immediately adjacent to the work sites and are not on the roads that would be used to travel to and from the work sites. This Project would handle limited quantities of hazardous materials and only during construction. More importantly, trucks used to transport hazardous building materials (e.g., LBP) associated with building demolition, would be appropriately containerized and would not pass by the schools. Therefore, there would be no impact related to use or transport of hazardous materials in proximity to schools.
2. ***Public or private airports or airstrips.*** There are no airports or airstrips within two miles of the Project sites. Therefore, there would be no impacts related to proximity to airports.

3. **Wildland fires.** The Downtown San Anselmo site is located in an urban area and is not located within a high or very high fire hazard severity zone. The Nursery Basin site is located in a fire threatened area (ABAG, 2018b), however once constructed would not be associated with bringing people or improvements that could be become substantively damaged by a wildfire. There would therefore be no impact related to increased risk of wildland fires.

4.8.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to hazards and hazardous materials based on the potential for the Project to expose facilities or people to hazards or hazardous materials during Project activities. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. The potential for hazards and hazardous materials is analyzed using available data from site-specific and nearby investigations including the listing of active cleanup sites available on the SWRCB GeoTracker and DTSC EnviroStor websites, on-site inspections (Ninyo & Moore 2017; ESA, 2017a, 2017b), and existing publications and maps completed by federal, state local and agencies, such as the California Department of Forestry and Fire Protection (Calfire, 2007, 2008). In addition, the hazards and hazardous materials impacts are analyzed in the context of existing regulations and policies. Mitigation measures are identified, as necessary, to reduce significant impacts.

4.8.3.3 Impacts and Mitigation Measures

Impact 4.8-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials or substances into the environment or create or increase exposure to an actual or potential human or public health hazard. (*Less than Significant*)

Construction

All Project construction activities would include the use of equipment that would use fuels, oil and lubricants, and cleaning solvents. In addition, the buildings to be removed may contain hazardous building materials. The following discussion analyzes anticipated hazardous materials issues associated with construction.

Construction and Demolition Equipment

Petroleum products, such as gasoline, diesel fuel, oil, lubricants, and cleaning solvents would be used to fuel and maintain construction vehicles and equipment for construction of all Project elements. The routine use or reasonably foreseeable upset and accident conditions for the various hazardous materials that would be used during construction and demolition activities could result in inadvertent releases of small quantities of hazardous materials, which could adversely affect construction workers or the environment.

Construction and demolition activities are required to comply with numerous hazardous materials and stormwater regulations designed to ensure that hazardous materials are transported, used,

stored, and disposed of in a safe manner to protect worker safety, to reduce the potential for a release of construction-related fuels or other hazardous materials to affect stormwater and downstream receiving water bodies, and to respond to accidental spills, if any. The numerous regulations discussed above in the Regulatory Framework, such as RCRA, HMBP, and others would require measures for the safe transportation, storage, handling, and disposal of hazardous materials used for construction, including appropriate containers, secondary containment to contain a potential release. As discussed in Chapter 4, Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources, construction contractors would be required to prepare a SWPPP for construction activities according to the NPDES General Construction Permit requirements and similar related county and town regulations. The SWPPP must be prepared by a state Qualified SWPPP Developer and implementation of the SWPPP must be overseen by a state Qualified SWPPP Practitioner. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction and demolition, and describe spill prevention measures, equipment inspections, equipment and fuel storage, and protocols for responding immediately to spills. A Legally Responsible Person, who is legally authorized to sign and certify permit registration documents, is responsible for obtaining coverage under the permit. With implementation of the SWPPP and compliance with existing regulations, the potential impact related to routine transport and accidental releases of hazardous materials would be less than significant.

Hazardous Building Materials

The 634-636 San Anselmo Avenue building predates the 1970's and has been surveyed for hazardous building materials such as ACM and LBP in building materials, mercury and PCBs in fluorescent light ballasts, tubes, and switches, especially in older fixtures. The building was found to have LBP, light ballasts, and exit signs that are considered to be hazardous materials. The existing structures at the Nursery Basin site also pre-date the banning of the use of ACM and LBP. The wooden residence was built around 1971; the art studio is a Quonset hut that dates to at least 1952. In addition, older fluorescent light ballasts, if present, may contain mercury. If these materials are disturbed or broken during demolition activities at either Project site, they could result in releases exposing workers, the public, and the environment. Existing regulations require that demolition activities that may disturb or require the removal of materials that consist of, contain, or are coated with ACM, LBP, PCBs, mercury, and other hazardous materials must be inspected and/or tested for the presence of hazardous materials. If present, the hazardous materials shall be managed and disposed of in accordance with applicable laws and regulations.

In the case of ACM and LBP, the identification, removal, and disposal is regulated as described under the California Construction Safety Orders for Asbestos and Lead, summarized in the Regulatory Setting. All work must be conducted by a State-certified professional. A site-specific hazard control plan must be prepared detailing removal methods and specific instructions for providing protective clothing and equipment for abatement personnel. A State-certified LBP contractor would be retained to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities would be disposed of at a landfill licensed to accept such waste. Once all abatement measures have been implemented, the contractor would conduct a clearance examination and provide written documentation to the Bay Area Air Quality

Management District that testing and abatement have been completed in accordance with all federal, state, and local laws and regulations.

In the case of PCBs and mercury in electrical transformers and fluorescent light ballasts, tubes, and switches, especially older fixtures, the identification, removal, and disposal is regulated under California's Universal Waste Rule as summarized in the Regulatory Framework. Under these regulations, the fluorescent light fixtures must be removed without breakage and disposed of at a licensed facility permitted to accept the materials.

With compliance with existing regulations, the impact relative to routine transport or accidental release of hazardous materials would be less than significant.

Operation

Exposure to ACM, LBP, or other hazardous materials in structures would only occur during demolition of existing structures during construction activities. Once the structures have been removed, there would be no further exposure during operations to hazardous building materials and therefore no impact.

As described in Chapter 3, Section 3.5, Construction, Operation, and Maintenance, the Nursery Basin would be operated as a temporary flood diversion and storage basin, and both the basin and the creek channel would be maintained. Operation and maintenance activities would require occasional site visits using vehicles and construction equipment that would use fuel and oil. Similar to the use of equipment during construction activities described above, contractors, the County, and the Towns would be required to comply with numerous hazardous materials and stormwater regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, to reduce the potential for a release of construction-related fuels or other hazardous materials to affect stormwater and downstream receiving water bodies, and to respond to accidental spills, if any. With compliance with existing regulations, the potential impact would be less than significant.

Mitigation: None required.

Impact 4.8-2: The Project could create a significant hazard to the public or the environment from the Project's location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (*Less than Significant with Mitigation*)

As discussed in the Environmental Setting, neither the former Sunnyside Nursery site nor the Downtown San Anselmo sites are listed as hazardous materials sites. However, the 634-636 San Anselmo Avenue building previously operated as an automotive service station and repair shop. The USTs were removed in 2000 and the Marin County DPW issued a no further action letter based on soil testing results. One active and three closed UST cleanup sites are located just upgradient and upstream of the Project sites. The downgradient extent of gasoline and MTBE in

soil and groundwater is currently under investigation and has not been defined but reportedly may extend as far as Center Boulevard.

Construction

Project construction would involve localized ground disturbance activities (e.g., grading, excavation, fill compaction, and reworking the creek channel) and may temporarily alter the local groundwater flow during construction area dewatering. Though the likelihood is unknown, these activities could result in encountering contaminated soil or groundwater at the Downtown San Anselmo site. Investigation of the release from the former Chevron service station at 700/750 Sir Francis Drake Boulevard is ongoing. Encountering contaminated soil and/or groundwater would be a significant impact considering that much of the work would occur in the creek bed.

Mitigation Measures 4.8-2a, 4.8-2b and 4.8-2c address this potential impact.

Operation

Once the construction of the Nursery Basin and the creek channel improvements adjacent to it and in downtown San Anselmo have been completed, there would be no potential to encounter contaminated soil, and there would be no impact.

Mitigation Measure 4.8-2a: Check 700/750 Sir Francis Drake Boulevard investigation status.

Prior to beginning construction activities, the contractor shall check the status of the 700/750 Sir Francis Drake Boulevard investigation available at the SWRCB GeoTracker website at: <http://geotracker.waterboards.ca.gov/>. Relevant information from the GeoTracker shall be used to inform the Health and Safety Plan and Soil Management Plan, described in subsequent mitigation measures.

Mitigation Measure 4.8-2b: Health and Safety Plan.

The construction contractor(s) shall prepare and implement a site-specific Health and Safety Plan in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities. The Health and Safety Plan shall include, but is not limited to, the following elements:

- 1) Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site health and safety plan;
- 2) A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals based on the most recent reporting of the investigation at 700/750 Sir Francis Drake Boulevard site overseen by the Regional Water Quality Control Board;
- 3) Specified personal protective equipment and decontamination procedures, if needed;
- 4) Emergency procedures, including route to the nearest hospital; and
- 5) Procedures to be followed in the event that evidence of potential soil or groundwater contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered.

These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of unknown discovered or suspected hazardous materials release and notifying the Marin County CUPA (415-473-7085).

Mitigation Measure 4.8-2b applies to both the Nursery Basin and the Downtown San Anselmo sites.

Mitigation Measure 4.8-2c: Soil Management Plan.

For the Downtown San Anselmo site, the Flood Control District or its contractor shall develop and implement a Soil Management Plan that includes a materials disposal plan specifying how the construction contractor shall remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The plan shall identify protocols for training workers to recognize potential soil contamination (such as soil staining, noxious odors, debris or buried storage containers), soil testing and disposal by a qualified contractor in the event that contamination is identified, and identification of approved disposal sites (e.g., approved landfill or reuse site). Contract specifications shall mandate approval of the Soil Management Plan by the Flood Control District as well as full compliance with all applicable local, state, and federal regulations related to the identification, transportation, and disposal of hazardous materials.

Significance after Mitigation: Implementation of **Mitigation Measures 4.8-2a, 4.8-2b, and 4.8-2c** would reduce impacts associated with encountering potentially contaminated soil or groundwater to less than significant levels by controlling contact with and release of these materials into the environment. Methods of control include soil testing, stopping work should these materials be encountered, and use of a qualified contractor to dispose of contaminated materials in accordance with regulatory requirements.

Impact 4.8-3: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (*Less than Significant*)

The construction and operations activities would include the use of trucks and equipment that could block roads, including emergency or evacuation routes.

Construction

As described in *Environmental Setting*, above, the Nursery Basin would be accessed from Sir Francis Drake Boulevard, which is a designated emergency or evacuation route. However, the Nursery Basin site is off the road and no lane closures would be required. As described in Chapter 4, Section 4.15 Transportation, the increase in traffic volumes caused by Project-generated construction traffic on the arterials and freeways serving the Project worksites would not be substantial relative to background traffic conditions (i.e., would tend to fall within the daily fluctuation of traffic volumes on those roads), and that Project traffic would not significantly disrupt traffic flow on these roadways. In addition, compliance with requirements of local jurisdictions would include preparation of a Traffic Management Plan (see **Mitigation Measure 4.15-1**) that would ensure that the effect of Project traffic is reduced to less than significant.

Access to the Downtown San Anselmo site would be by San Anselmo Boulevard and possibly Red Hill Avenue or Sir Francis Drake Boulevard. Red Hill Avenue is a designated emergency or evacuation route. Although not a designated emergency or evacuation route, San Anselmo Boulevard and Sir Francis Drake Boulevard are primary routes through downtown San Anselmo. However, the Downtown San Anselmo site is just off the road, a parking area and portions of the adjacent Creek Park are available for equipment staging, and no lane closures would be required. As described above, a Traffic Management Plan (see Mitigation Measure 4.15-1) would be prepared that would ensure that the effect of Project traffic is reduced to less than significant. Contract specifications shall mandate approval of the Traffic Management Plan by the Flood Control District and the County of Marin as well as full compliance with all applicable local, state, and federal regulations.

Operation

Upon completion of construction activities, occasional maintenance vehicles would access the sites. However, the vehicles would be parked off the streets, no lane closures would be required, and the potential impact related to emergency or evacuation plans would be less than significant.

Mitigation: None required.

4.8.4 References – Hazards and Hazardous Materials

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Pangea, *Groundwater Monitoring Report – First Half 2017, Former Chevron Service Station 9-1510, 750 Sir Francis Drake Boulevard, San Anselmo, CA 94960, RWQCB UST File No. 21-0235*, June 19, 2017.

Sanborn, Fire Insurance Map, 1924 with 1950 added.

State Water Resources Control Board (SWRCB), *GeoTracker*, December 29, 2017

Town of Fairfax, *Fairfax Emergency Operations Plan*, November 2015.

Town of San Anselmo, *Updates to Town of San Anselmo General Plan*, 2015.

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4.9 Hydrology and Water Quality

This section describes existing hydrology and water quality in the Project area, including wastewater and stormwater management, existing and future flooding, groundwater conditions, and the existing regulatory framework governing these topics. Potential impacts that could result from construction and operation of the Project and mitigation measures to avoid or reduce significant adverse impacts are then discussed, as appropriate. The impact assessment includes an evaluation of water quality issues related to construction activities as well as operation of the Project.

4.9.1 Environmental Setting

Marin County encompasses approximately 606 square miles of land, open water, tidal habitats, streams, lakes and ponds extending from the Pacific coast to the San Francisco, San Pablo, San Rafael, and Richardson Bays. This region of the Coast Ranges geomorphic province exhibits northwest-trending ridges and valleys, uplifted and faulted by tectonic activity along the San Andreas Fault to the west and eroded by the winter rains of the region's semi-arid Mediterranean climate.

The Ross Valley Watershed (also called the Corte Madera Creek Watershed) is approximately 28 square miles in area, and is located in eastern Marin County. The topography of the watershed is variable, ranging from the peak of Mt. Tamalpais to the west (elevation 2,571 feet above mean sea level) to the waters of the San Francisco Bay in the southeast. Intermittent and perennial streams drain the watershed, which receives over 80 percent of annual precipitation between November 1 and April 1 (Stetson Engineers, Inc., 2000). Average rainfall varies from about 48 inches along the watershed's southwestern edge to about 34 inches along its northeastern edge (Stetson Engineers, Inc., 2000).

4.9.1.1 Ross Valley Watershed Creeks and Drainage

The Ross Valley watershed is drained by 42 linear miles of natural and channelized creeks in addition to stormwater drainage facilities that collect water from urbanized areas and convey the stormwater to the larger creeks (refer to Figure 3-2 in Chapter 3, *Project Description*). Creek channels are highly modified and encroached upon by roads, narrow bridges, retaining walls, fill, pipelines, and buildings that span the creek as bridges or overhang the creek similar to balconies. The steep upland areas along the ridgetops are vegetated with a mix of forest and grassland cover, and drain to relatively steep and laterally confined alluvial valleys, from which creeks flow generally southeast toward tidal salt marsh in Kentfield before entering San Francisco Bay near Corte Madera. Overland and channelized fluvial sediment transport, downslope soil creep, landslides, earthflows, and debris flows are all mechanisms for transporting sediment from the hillslopes to creek channels (Stetson Engineers, Inc., 2000). Due to patterns of past land use in the adjacent uplands, including clearing and development, the Ross Valley watershed's bedload sediment yield can be considered unnaturally high (Stetson Engineers, Inc., 2000).

There are 29 named tributaries and four subwatersheds in the watershed. One Project element – a flood diversion and storage (FDS) basin at the former Sunnyside Nursery site, generally referred to as “the Nursery Basin” – would be located in the Fairfax subwatershed, which is drained by Bothin and Fairfax Creeks. The Town of Fairfax is in this subwatershed, but the Nursery Basin property is outside of the town borders. The second Project element – the Downtown San Anselmo creek capacity improvements – is in the San Anselmo subwatershed, which is drained by Deer Park Creek, San Anselmo Creek, and Sleepy Hollow Creek, and includes the Town of San Anselmo and the unincorporated areas of Sleepy Hollow and Oak Manor. Downstream of the Project area, the Ross subwatershed includes the Town of Ross and is drained by Phoenix Creek, Bill Williams Creek, and Ross Creek. The Larkspur subwatershed includes the City of Larkspur, the incorporated areas of Greenbrae and Kentfield, and the Town of Corte Madera, and is drained by Corte Madera Creek and Larkspur Creek. The following creeks and water bodies either drain areas where the Project activities would occur or are downstream of Project areas and are thus subject to changes in their hydrology or water quality caused by upstream conditions.

Fairfax Creek. Fairfax Creek drains approximately 3.6 square miles of the northern upland area of the Ross Valley watershed, its smallest tributaries draining steep undeveloped unincorporated County lands. The creek flows through the Town of Fairfax to the confluence with San Anselmo Creek. The Nursery Basin is adjacent to Fairfax Creek upstream of both the Town of Fairfax and the confluence with San Anselmo Creek. Fairfax Creek in the vicinity of the Nursery Basin is shown in **Figure 4.9-1**; it does not flow year-round. Fairfax Creek contributes less than one percent of the total bed load sediment in Corte Madera Creek at the City of Ross (Stetson Engineers, Inc., 2000).

San Anselmo Creek. San Anselmo Creek drains approximately 11 square miles of unincorporated County open space and water district lands before flowing through Fairfax, San Anselmo, and Ross to the confluence with Ross Creek. The creek flows year-round, with fluctuations in flow corresponding to rain events and soil saturation (National Hydrography Dataset, 2018). Sleepy Hollow Creek and Sorich Creek drain to San Anselmo Creek upstream of the confluence with Ross Creek. Sleepy Hollow Creek and Sorich Creek drain 2.8 and 0.2 square miles of the Ross Valley watershed, respectively (Stetson Engineers, Inc., 2000). The Nokomis, Madrone, and Sycamore bridges span San Anselmo Creek in the downtown San Anselmo area, as do several bridge buildings, including one at 634-636 San Anselmo Avenue (formerly known as Building Bridge #2), removal of which is included in this Project. **Figure 4.9-2** shows a typical reach of San Anselmo Creek in the downtown San Anselmo area (the Downtown San Anselmo site). San Anselmo Creek and Sleepy Hollow Creek respectively contribute 29 and 25 percent of the bed load sediment in Corte Madera Creek at the City of Ross (Stetson Engineers, Inc., 2000).

Corte Madera Creek. Downstream of the confluence of San Anselmo and Ross Creeks, the main channel is called Corte Madera Creek. The lower portion of Corte Madera Creek below the College of Marin is a natural earthen channel that was constructed by the U.S. Army Corps of Engineers in 1968. The Lagunitas Road Bridge crosses Corte Madera Creek approximately one mile downstream of downtown San Anselmo. The United States Geological Survey (USGS) stream gage at Ross (USGS Ross Gage; USGS 11460000) measures flows on Corte Madera Creek, and is located just upstream of Lagunitas Road Bridge. Flood conditions in the watershed



SOURCE: ESA

San Anselmo Flood Risk Reduction Project / 211432.07

Figure 4.9-1
Fairfax Creek along the Nursery Basin Site



SOURCE: ESA

San Anselmo Flood Risk Reduction Project / 211432.07

Figure 4.9-2
San Anselmo Creek Typical Downtown Reach

are characterized by flows at this gage. Annual peak stream flow measured at the USGS Ross Gage has generally been below 4,000 cubic feet per second (cfs), with the exception of large storms described in greater detail below (USGS, 2017). Corte Madera Creek flows year-round and is tidally-influenced between the San Francisco Bay and the vicinity of Kentfield, approximately 2 miles downstream of the nearest Project site (National Hydrography Dataset). Sediment from the bay and from sources in the watershed is continually deposited in the channel, reducing its hydraulic capacity (Stetson Engineers, Inc., 2011). Between 1966 and 2004, the annual sedimentation rate in the Corte Madera Creek averaged 22,000 cubic yards per year (Stetson Engineers, Inc., 2011).

San Francisco Bay Estuary. Corte Madera Creek flows into central San Francisco Bay at an inlet around 8 miles north of the Golden Gate channel. San Francisco Bay is an approximately 1,100 square mile region of the San Francisco Bay Estuary, which conveys waters of the Sacramento and San Joaquin rivers, as well as smaller streams surrounding the bay, into the Pacific Ocean through the Golden Gate channel. Salinity levels range from hypersaline to fresh water, and water temperature varies throughout the Bay system (San Francisco Bay Regional Water Quality Control Board [RWQCB], 2017).

4.9.1.2 Hydrology and Geomorphology of the Ross Valley Watershed

The Project Description (Chapter 3) of this document explains the history of flooding in Ross Valley as a whole and in the San Anselmo Creek and Fairfax Creek subwatersheds in particular. It also explains how the combination of historical development in the flood plains and various flow-constraining features such as bridges, bridge buildings, culverts, and so on have contributed to the existing flood risk conditions. That description was intended to explain the Project's purpose and need and to preview how the Project's elements would serve that purpose. This section explains the hydrology and geomorphology of these creeks and their subwatersheds in order to provide more context for how the Project would address the flood risk.

The landforms and drainage patterns within a watershed are the result of the tectonics, climate, geology, and land use of the watershed; these factors in turn affect the characteristics of streams in the watershed that are relevant to flooding patterns, such as sediment load, stream discharge (the volume of water passing a point in the channel over time), and stream slope. Generally, the width and depth of a stream channel adjusts to accommodate the discharge and sediment load supplied from the watershed, though the actual rate of adjustment is also influenced by other factors such as the bank material composition and vegetation. Channel dimensions adjust, through erosion and deposition, to the quantity of water moving through the channel so that the channel contains all but the highest flows (Knighton, 1998). Changes to sediment load, sediment size, stream slope, and stream discharge all can alter the physical characteristics of a stream channel.

As physical characteristics of a stream channel change, the channel capacity and flow and flooding patterns are altered. Rates of channel morphological change range from hours or days (during a large flood event) to hundreds of years or more (resulting from climate change or tectonic forces). To the extent that human activities, such as channel modifications or floodplain development, affect stream channels, the channels may take years or decades to readjust by changes in erosion and deposition that propagate throughout the watershed.

Many lowland and coastal areas of eastern Marin County, including in the Ross Valley Watershed, are developed. As a result, the current hydrology and geomorphology of the watershed reflect human activities. Watershed changes resulting from human activities generally fall into two main types: changes brought about by direct modification of a stream channel, and indirect changes resulting from activity in areas outside the stream channel (such as development in the floodplain). As discussed generally above, these changes can alter the hydrology of a given stream and the pattern of sediment supply over years or decades, with consequences for channel characteristics such as channel width, channel depth, and capacity to contain flows (Knighton, 1998).

Beginning in the late 1800s, rapid channel incision¹ in the Ross Valley watershed occurred as a result of land use changes that increased the volume of surface runoff in the watershed, particularly logging and livestock grazing. These activities led to systemwide channel incision thought to be on the order of 4 or more feet by the early 1900s (Stetson Engineers, Inc., 2000). After a partial respite and natural revegetation in the early 1900s, urbanization of the previously

¹ Incision is the natural process by which a river or other type of stream cuts downward into its bed, deepening the active channel.

grazed areas reinforced the trend of channel incision in the areas of the watershed upstream of the confluence of San Anselmo and Ross Creeks (Stetson Engineers, Inc., 2000). Creekside development was particularly aggressive in the early to mid-1900s, when channel banks were often filled and replaced with vertical walls or rock-slope revetments, or both. This development included the construction of several buildings that partially span or fully cover the stream channel within downtown San Anselmo, as well as numerous undersized public and private bridges which form significant hydraulic constrictions. Many of these bridges were constructed in the early 1900s with center support piers and narrow abutments that constrict channel flow area, in some cases, to 50 percent less than the adjoining reaches (CH2M, 2018a).

Today, the upper parts of the watershed are hilly and mostly wooded (PBS&J, 2010). The lower ridges and valley areas of the watershed are developed suburban residential and commercial areas. Development in the communities of Fairfax, San Anselmo, Ross, Kentfield, Larkspur, and Greenbrae has increased the amount of impervious surfaces within the watershed, thereby decreasing the amount of rainfall that can infiltrate into the soil (PBS&J, 2010). These changes result in more runoff and higher peak flows than those which would occur under natural conditions (PBS&J, 2010). As described above, the morphology of a natural river or stream adjusts to the prevailing hydrologic conditions and sediment load in order to efficiently convey a wide range of discharges and sediment loads. Creek channels in Ross Valley continue to respond to development within the watershed by widening and locally eroding creek banks (Stetson Engineers, Inc., 2000). It is generally believed that most of the channel bed incision ceased in the early 1900s as vertical erosion reached the depth of erosion-resistant bedrock (CH2M, 2018a). It is expected that the process of local and systemic channel widening would continue for decades or more in the absence of human intervention; however, these natural geomorphic recovery processes are impeded by artificial bank stabilization in the watershed (Stetson Engineers, Inc., 2000). Although the channels are still responding to the 1800s land use and subsequent urbanization, the effects are slowing and less dramatic (Marin County Flood Control and Water Conservation District [MCFCWCD], 2017). The ongoing channel adjustments resulting from these changes affect current and projected future drainage patterns in the watershed. Ongoing channel responses include upstream advance of first order tributaries, reduced bed incision and bank erosion in the upper creek channel network, and slowing of channel aggradation in the lower reaches of the watershed (MCFCWCD, 2017).

Erosion and Sedimentation Near Project Components

A geomorphic and scour assessment was prepared for the Project, and describes the existing channel and bank conditions near the Nursery Basin site and the Downtown San Anselmo site. At the Nursery Basin site, as of November 2017, the left (northern) bank of Fairfax Creek was actively eroding and undermining trees. The assessment noted that the erosion appears to occur in response to a recently deposited gravel bar on the southern side of the channel where an unnamed ephemeral tributary discharges into Fairfax Creek from the steep slope across Sir Francis Drake Boulevard to the south (CH2M, 2018a). The drainage area for this small tributary exhibits active landsliding and erosion, indicating a high rate of sediment production and delivery (CH2M, 2018a). This local source adds to the coarse sediment load flowing into the Project site from upper Fairfax Creek (CH2M, 2018a). In addition, a hydraulic constriction (formed by fill placed

in the channel on the north side of the creek along with a bend in the creek channel) is located just downstream of the portion of the channel adjacent to the Nursery Basin (CH2M, 2018b). A field inspection conducted in February 2018 identified multiple gravel bar deposits in Fairfax Creek near the former Sunnyside Nursery site, two of which have a higher elevation and flatter gradient than the current stream bed, indicating deposition during peak flood backwater conditions that were caused by the existing hydraulic constriction. The deposits had been partially eroded by subsequent flows to form the current low flow/active (bankfull) channel (CH2M, 2018b). Field inspection of these older flood deposits in Fairfax Creek indicate past episode(s) of channel filling up to around 232 feet (present channel bed elevations are between 221 to 225 feet) (CH2M, 2018a). The age of the bars is unknown; however, preliminary indications are that they date from the extreme January 1982 flood, which was a greater than 100-year flood event known for its extensive erosion of hillslopes that delivered sediment to creek channels (CH2M, 2018a). A smaller, more recent bar was also observed in February 2018, indicating the same fill-and-cut process on a smaller scale (CH2M, 2018b).

In downtown San Anselmo, San Anselmo Creek flows beneath several buildings and pedestrian bridges. Of these, two are included in the Downtown San Anselmo site: 634-636 San Anselmo Avenue and 638 San Anselmo Avenue, which is just upstream of the 634-636 San Anselmo Avenue removal site. Underneath 638 San Anselmo Avenue, a 2- to 3-foot-high (above low water) gravel/cobble bar has formed by sediment deposition in the hydraulic backwater area created by the 634-636 San Anselmo Avenue building during storm runoff events. The gravel bar and low-flow channel are bounded by the 638 San Anselmo Avenue foundation structure that includes support piers and retaining walls. This bar has a surface ‘pavement’ of coarse gravels and cobbles with underlying finer gravels and sands (CH2M, 2018a). The underlying sediments are generally loosely consolidated except for the upstream head of the bar, where interlocking large cobbles and small boulders armor the bed.

4.9.1.3 Flooding

Historical Flooding

Flooding in Ross Valley has been documented since the early 20th century, and occurs when peak stormwater flows exceed the conveyance capacity of the stream channel (PBS&J, 2010). Floods in the Ross Valley watershed are generally flashy² and of short duration, lasting only 3 or 4 days (Federal Emergency Management Agency [FEMA], 2016). Flashy runoff patterns in the Ross Valley result from intense rainfall, the shape and steepness of the upper watershed surrounding the valley, and the lack of significant detention and infiltration in the urbanized valley (PBS&J, 2010). Floods may develop within 24 hours after the beginning of a flood-producing storm and will normally recede within 1 day after the end of the storm. Flood peaks occur generally within 3 to 5 hours after periods of intense rainfall and recede within 24 hours after the end of such storms (PBS&J 2010). Sheetflow flooding is caused by inadequate channel capacity and poor drainage in areas close to streams (FEMA, 2016). Bridge constrictions and poorly designed residential streambank stabilization structures have exacerbated flooding on this naturally flood-

² “Flashy” describes a stream that exhibits significantly increased flows immediately following the onset of a precipitation event and a rapid return to pre-rain conditions shortly after the end of the precipitation.

prone system bridges constricting the channel increase overbank flooding onto the developed floodplains (PBS&J, 2010; CH2M, 2018a).

Historical accounts indicate that major storm events occurred in 1951, 1960, 1966, 1982-83, 1986, and 2005 (PBS&J, 2010). The flood of record, producing the largest recorded flood flows at Ross Gage, occurred in 1982, with a frequency of 150 years. The runoff resulted from a 32-hour rainstorm that became stationary and produced a continuous downpour that averaged about ¾-inch per hour for six hours. Most of the rain gages overflowed during the storm, so reliable statistics were unavailable, although part of the watershed had more than 15 inches of rainfall. The storm produced a peak flow at Lagunitas Road estimated at 7,200 cfs. The flood inundated all of the low areas of the watershed, causing considerable damage in San Anselmo, Ross, Kentfield, and Larkspur. During this period, major flooding occurred in the downtown area of the Town of San Anselmo along San Anselmo Avenue. Channel constrictions (bridges and enclosed channel segments, such as those shown in **Figures 4.9-3** and **4.9-4**) adjoining San Anselmo Avenue were the primary cause of the overbank flows. Trash buildup at these constrictions also added to the flood problem. Recent damaging flood events include those occurring in 1986, 1995, 1997, 2005, and 2017 (CH2M, 2018a). The December 31, 2005, flood was estimated to be 6,757 cfs at the Ross Gage, which included in-channel flow and out-of-channel flow (PBS&J, 2010).

Flooding Near Project Components

There are four critical reaches in the Ross Valley watershed where floodwaters overflow and escape from the creek during large floods, one each along Fairfax, Sleepy Hollow, San Anselmo, and Corte Madera/Ross Creeks (Stetson Engineers, Inc., 2011). The San Anselmo critical reach is within the Project area. **Figure 4.9-5** illustrates the 100-year floodplain in Ross Valley watershed; **Figure 4.9-6** identifies the FEMA flood hazard areas and floodways in the upper watershed and around downtown San Anselmo.

The peak discharge of San Anselmo Creek at the border between the Town of San Anselmo and Town of Ross during the 100-year flood³ is 5,300 cubic feet per second (cfs) (FEMA 2016). During the 10-year flood, the peak discharge at this same location is 3,200 cfs (FEMA 2016). The existing conditions along the downtown reach of San Anselmo Creek are such that there is approximately a 17 percent chance of flood flows leaving the channel in any given year (Stetson Engineers, Inc., 2011).

During larger floods, floodwaters overflow and escape from the creek, flowing for extended distances on the historical floodplain as separate side-streams apart from the main channel (Stetson Engineers, Inc., 2011). Flooding will occur along San Anselmo Creek during the 100-year flood between Calumet Avenue and Sycamore Avenue due to inadequate channel capacity and backwater caused by the development of commercial structures adjacent to and over the channel in the business district along San Anselmo Avenue. Floodwaters forced from the channel in this latter area will flow through the business and residential area west of San Anselmo Avenue in the form of

³ The “100-year flood” is the event with a 1% chance of occurring in any individual year. Similarly, the “10-year flood” is the event with a 10% chance of occurring in a year.



SOURCE: ESA

San Anselmo Flood Risk Reduction Project / 211432.07

Figure 4.9-3
Channel Constrictions Along San Anselmo Creek
in Downtown San Anselmo



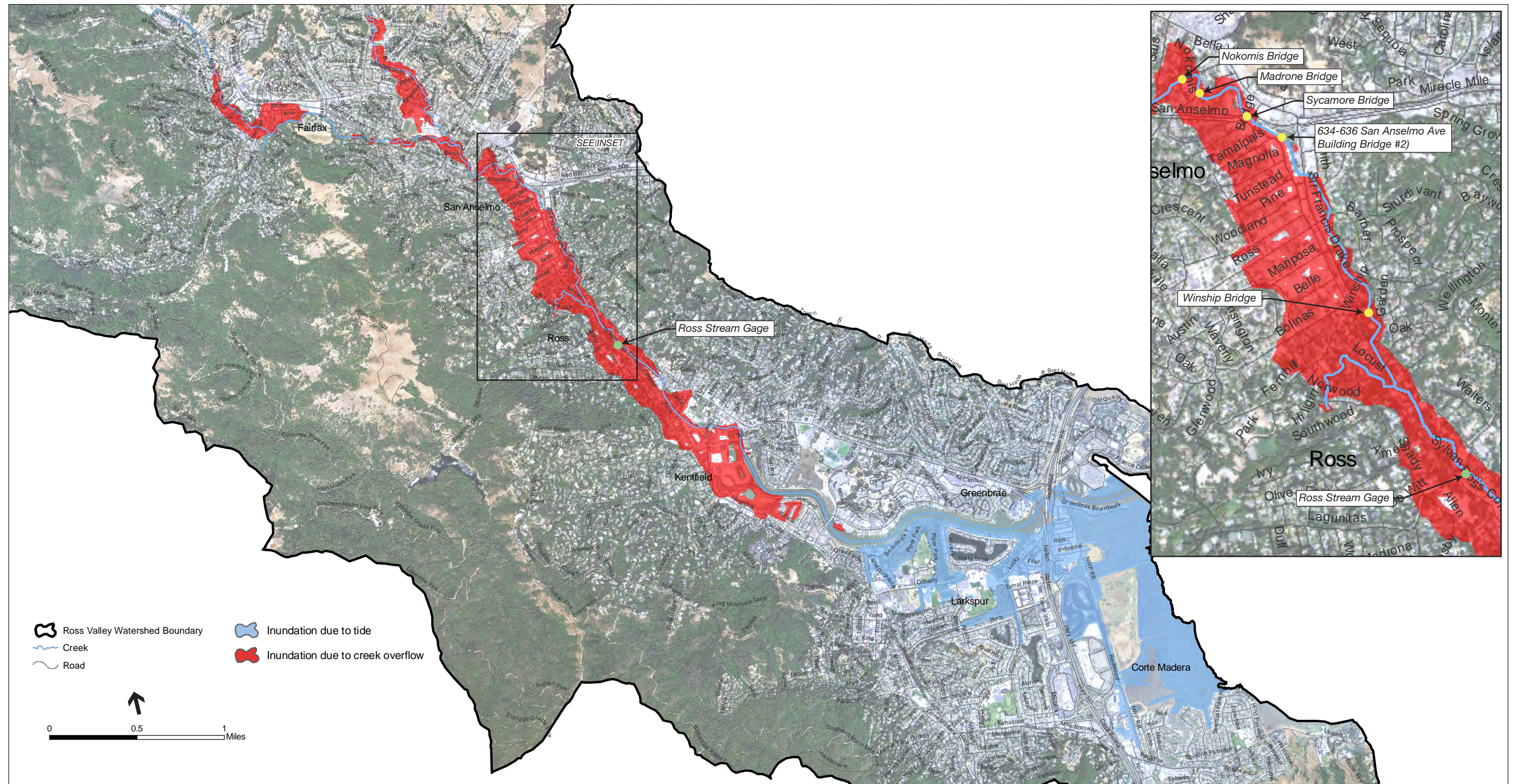
SOURCE: ESA

San Anselmo Flood Risk Reduction Project / 211432.07

Figure 4.9-4
Structures in San Anselmo Creek Supporting
634-636 San Anselmo Avenue

sheetflow (FEMA, 2016). The diverted flow then travels through San Anselmo, and rejoins the channel near its confluence with Ross Creek (PBS&J, 2010). San Anselmo Creek from Sir Francis Drake Boulevard to the Town of San Anselmo corporate limits will contain the flows remaining in the channel after the overflow in the downtown business district (FEMA, 2016). Flood overflows originating near downtown San Anselmo run down Sycamore Avenue and San Anselmo Avenue in San Anselmo, along Shady Lane in Ross, through Ross Commons and along Poplar Avenue in Ross and Kent Avenue in Kentfield before finally returning to the concrete-lined channel downstream of College Avenue in Kentfield. Consequently, these flood overflows are not in the channel at the USGS Ross Gage (PBS&J 2010).

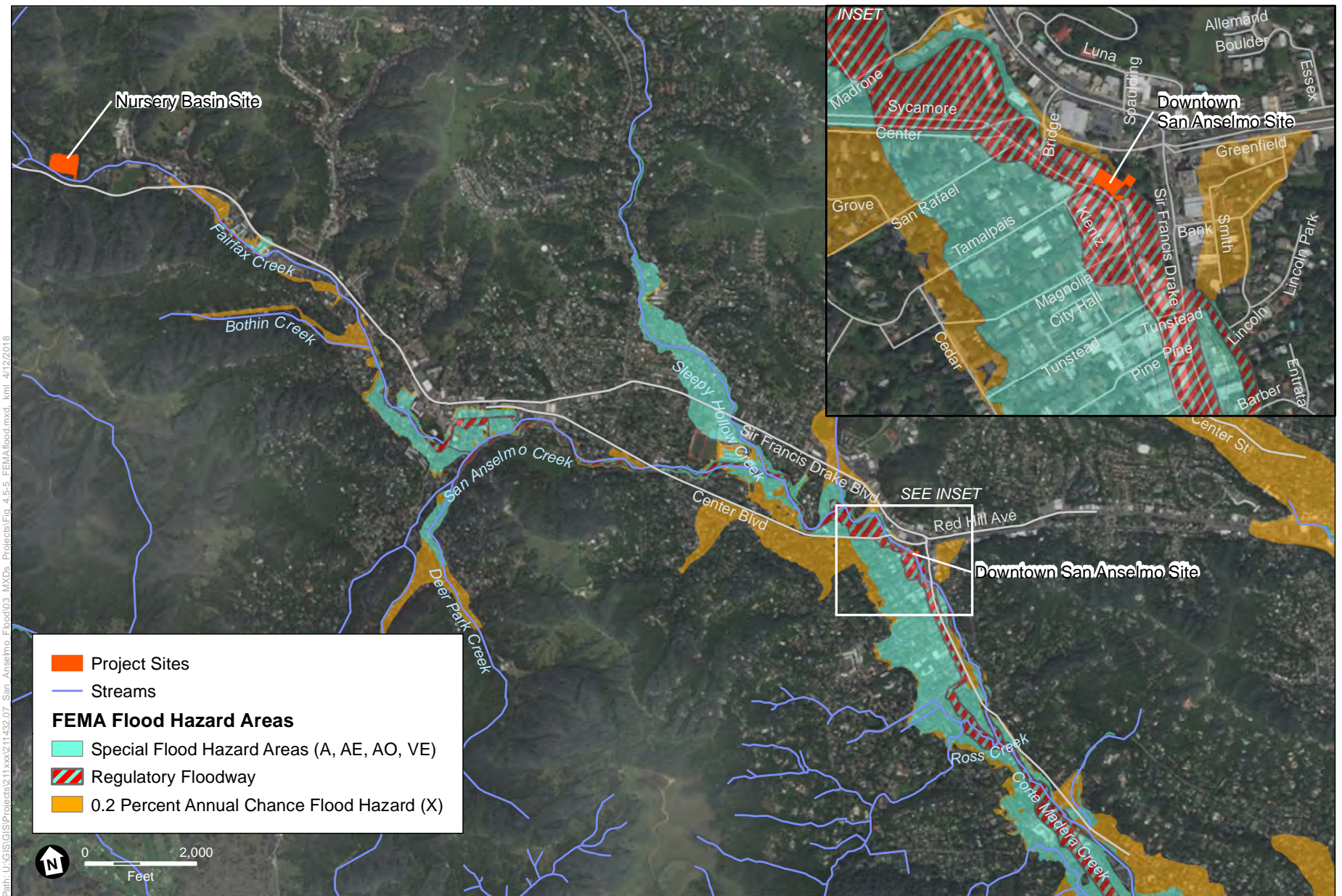
Near White Hill School, close to the Town of Fairfax corporate limits and less than one-quarter mile from the Nursery Basin site, the peak discharge of the 100-year flood on Fairfax Creek is 960 cfs; during the 10-year flood, the peak discharge is 450 cfs (FEMA, 2016). The reach of Fairfax Creek adjacent to the Nursery Basin site is not a reach in which floodwaters overflow the creek channel and escape from the creek, according to FEMA (2009) and as supported by recent modeling work by Stetson Engineers (2018).



SOURCE: Stetson Engineers, Inc.

San Anselmo Flood Management Project . D211432.07
Figure 4.9-5
 Inundation Areas During the One-Percent-Annual-Chance
 Exceedance Flood Event in Ross Valley

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community; FEMA, 2017

San Anselmo Flood Risk Reduction Project . D211432.07

Figure 4.9-6
FEMA Flood Hazard Areas

Flood Hazard Areas

Fluvial Flooding

The National Flood Insurance Act of 1968 and the Flood Disaster Prevention Act of 1973 established the National Flood Insurance Program (NFIP) to provide insurance coverage to property owners within flood hazard areas. The FEMA administers the NFIP and prepares Flood Insurance Studies (FISs) and associated Flood Insurance Rate Maps (FIRMs) to assist communities in local land use planning and flood control decision-making. Marin County entered into the NFIP in 1982, the date the original FIRM was published for the incorporated areas of the county. To qualify for the NFIP, Marin County adopted local floodplain development policies and now requires flood control measures for new construction and redevelopment projects within their jurisdiction (PBS&J, 2010).

The building at 634-636 San Anselmo Avenue is within the 100-year floodplain and regulatory floodway, as shown in Figure 4.9-6. The water surface elevation at 634-636 San Anselmo Avenue during the 100-year flood is approximately 43 feet NAVD (FEMA, 2016). For reference, the elevation of San Anselmo Avenue in that area is 48 feet. The Nursery Basin site has been determined to be outside the 0.2 percent annual chance floodplain (Zone X; FEMA, 2009).

Dam Inundation

Multiple reservoirs are located in Marin County. The Project sites are not located in dam inundation areas (Marin County, 2007). The nearest dam inundation area to Project components is located downstream along Ross and Corte Madera Creeks in Ross.

Tidal Flooding

In recent years, the scientific community has reached consensus that climate change and sea level rise are already occurring and likely to continue at an accelerating rate. California's position on climate change was formalized in Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. As an expression of California's position on climate change, the State initially released its *State of California Sea-Level Rise Guidance Document* in 2010, updated it in 2013, and released a second update in 2018.

Adapting to Rising Tides – Flood Modeling

Locally, the San Francisco Bay Conservation and Development Commission has partnered with coastal engineers, flood managers, and technical experts as part of its Adapting to Rising Tides (ART) Program to develop locally specific, actionable sea level rise mapping and modeling products for planning purposes.

While the data relied upon for the ART Program mapping provides sea level rise projections for the San Francisco Bay at this time, scientific uncertainty remains regarding the rate and magnitude of sea level rise. Sea level rise projections beyond 2050 are highly dependent on assumptions regarding future global greenhouse gas emissions and future changes in the rate of land ice melting. In recognition of this uncertainty, the *State of California Sea-Level Rise Guidance* recommends an adaptive management approach for development in areas that may be subject to sea level rise beyond 2050. Adaptive management is an iterative process that involves

monitoring conditions to evaluate whether an area could be inundated as a result of sea level rise, and identifying actions to be implemented to ensure that the area and existing structures are resilient to future flooding conditions.

The State of California released *Rising Seas in California: An Update on Sea-Level Rise Science* in 2017, which provides a synthesis of the state of the science on sea-level rise, and is the scientific foundation for the pending update to the *State of California Sea-Level Rise Guidance Document*. Included in *Rising Seas in California* are projections for sea level rise in the San Francisco Bay Area under different emissions scenarios (including a business-as-usual scenario, a stringent emissions reductions scenario, and two scenarios in between), and the probability of these scenarios. The peak level of the likely range of estimated sea-level rise at San Francisco Golden Gate under a business-as-usual scenario is approximately 3.4 feet by 2100 (Griggs et al., 2017). Projected sea-level rise by 2050 at San Francisco Golden Gate ranges to over one foot. Based on this updated sea level rise prediction, the MHHW+77 inches (i.e., mean higher high water plus 77 inches) of sea level rise scenario (approximating 36 inches of sea level rise and 100-year storm surge) from the ART Program maps was selected as the basis for this analysis.

Areas in Marin County within the Project area that would be susceptible to impact based on elevation and proximity to San Francisco Bay include:

1. Lower Corte Madera Creek south of Lagunitas Road in Ross to San Francisco Bay
2. Lower elevations in Larkspur
3. Corte Madera Marsh
4. Lower elevations in Corte Madera

Under this MHHW+77 inches scenario, none of the Project areas would be subject to tidal inundation. This information is presented here in the interest of public disclosure. Public Works agencies in coastal areas of California, including the Marin County Flood Control and Water Conservation District (Flood Control District), will need to review potential future impacts to their facilities and protect them accordingly.

Marin County's BayWAVE

Marin County's Bay Waterfront Adaptation Vulnerability Evaluation (BayWAVE) is a focused vulnerability assessment of the bayside Marin shoreline's susceptibility to sea level rise (SLR) and increased storms. BayWAVE evaluated the extent of impacted assets, assessed the sensitivity and adaptability of selected assets and will work with the local cities and towns to plan implementation of adaptation strategies. The USGS's Coastal Storm Modeling System (CoSMoS) was selected by Marin County to model sea level rise countywide. BayWAVE models six scenarios, the worst-case scenario of which is 60 inches of SLR with flooding from the 100-year storm. In the long-term scenario during the 100-year storm, none of the Project areas would be subject to inundation.

Inundated areas under both models are similar in extent and depth, though the ART modeling analyzes further upstream than BayWAVE. For this analysis, the ART Program maps are used to ensure consistency with larger statewide efforts, to capture more of the Project vicinity, and to reflect the best available science.

Tsunamis and Seiches

Tsunamis (seismic sea waves) are long-period waves that are typically caused by underwater seismic disturbances, volcanic eruptions, or submerged landslides. Low-lying coastal areas such as tidal flats, marshlands, and former bay margins that have been artificially filled but are still at or near sea level are generally the most susceptible to tsunami inundation.

A seiche is caused by the oscillation of the surface of an enclosed body of water such as San Francisco Bay due to an earthquake or large wind event.

In 2009, the California Geological Survey, California Emergency Management Agency, and the Tsunami Research Center at the University of California completed the state's official tsunami inundation maps. None of the Project elements are within the tsunami inundation zone, which in Ross Valley extends from the bay shoreline inland along Corte Madera Creek to Kentfield (CalEMA, CGS, and USC, 2009).

4.9.1.4 Groundwater

In Marin County, areas of significant groundwater recharge typically include the portions of alluvial valleys that have not been subject to intensive urban or suburban developments, and the fractured bedrock that accepts infiltrated rainfall on the surrounding hillslopes (Marin County Community Development Agency, 2005). In general, significant zones of groundwater recharge are coincident with the areas delineated as significant groundwater basins, including the alluvial valley of Ross watershed (Marin County Community Development Agency, 2005).

The nearest named groundwater basin is the Ross Valley groundwater basin, which does not underlie any of the Project components. The Ross Valley groundwater basin is a small, coastal basin located in the cities of Corte Madera and Larkspur. It is bounded on the east by San Francisco Bay and the north by Corte Madera Creek (California Department of Water Resources [DWR], 2004). Existing beneficial uses for the Ross Valley Groundwater Basin are municipal, domestic, and agricultural water supply (RWQCB, 2017); however, groundwater in Ross Valley is used only for landscape irrigation (Marin County Community Development Agency, 2005).

Shallow unconfined groundwater is present at the Nursery Basin site, where subsurface conditions within the footprint of the basin consist of interbedded layers of gravel, sand, silt, and clay sediments overlying valley bedrock (hard mudstone and clay). The potentially water-bearing alluvial strata beneath the site have a significant fine-grained component, and are often separated by layers of non-expansive clay (CH2M, 2018c). Groundwater elevations in the basin during dry periods differ from elevations during storm events (CH2M, 2018c). During dry periods, the local groundwater is recharged by flows from Fairfax Creek. During precipitation events, groundwater levels rise to within 1-3 feet of the ground surface (CH2M, 2018c), reflecting increased runoff and subsurface flow from the hills to the north of the site.

4.9.1.5 Water Supply

The Marin Municipal Water District (MMWD) provides potable water to southern and eastern Marin County, including unincorporated Marin County near the Nursery Basin site and the

Towns of Fairfax and San Anselmo. Nearly 75 percent of MMWD's water originates as rainfall and runoff from the slopes of Mount Tamalpais and west Marin, and is collected in MMWD's seven reservoirs (MMWD, 2017). The seven reservoirs are Lagunitas, Phoenix, Alpine, Bon Tempe, Kent, Nicasio, and Soulajule. Only Phoenix Lake is within the Ross Valley watershed. Phoenix Lake drains to Ross Creek, which is tributary to Corte Madera creek. The confluence of Ross Creek and Corte Madera Creek is located downstream of all Project components. Over 25 percent of MMWD's water is imported from the Sonoma County Water Agency; this water originates from rainfall that flows into Lake Sonoma and Lake Mendocino, and is collected by the Sonoma County Water Agency via the Russian River.

4.9.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.9.2.1 Federal Regulations

Clean Water Act

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (USEPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters by implementing water quality regulations. Multiple sections of the CWA apply to activities near or within surface or ground water.

Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (USACE) to regulate the discharge of dredged or fill material to waters of the U.S., including wetlands (33 U.S.C. Section 1344). The USACE issues site-specific individual or general (i.e., Nationwide) permits for such discharges.

Under Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters must provide the licensing or permitting agency with a certification that the discharge would comply with the applicable CWA provisions (33 U.S.C. Section 1341). If a federal permit is required, such as a USACE Section 404 Nationwide Permit for dredge and fill discharges, the Project proponent must also obtain a Section 401 Water Quality Certification from the RWQCB.

Section 402(p) of the CWA regulates discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) Program, a nationwide surface water discharge permit program for municipal and industrial point sources. In California, NPDES permitting authority is delegated to and administered by the nine RWQCBs. Under Section 402, the San Francisco Bay RWQCB has set standard conditions for each permittee in the Bay Area, including effluent limitation and monitoring programs. In addition to their responsibility to issue and enforce compliance with NPDES permits, the RWQCBs are responsible for preparation and revision of the relevant regional Water Quality Control Plan, also known as the Basin Plan (discussed further under State regulations).

Section 303(d) of the CWA requires that each State identify water bodies or segments of water bodies that are “impaired” (i.e., do not meet one or more of the water quality standards established by the State, even after point sources of pollution have been equipped with the minimum required levels of pollution control technology). USEPA must approve the 303(d) List before it is considered final. Inclusion of a water body on the Section 303(d) List of Impaired Water Bodies triggers development of a Total Maximum Daily Load (TMDL) for that water body and a plan to control the associated pollutant/stressor on the list. The TMDL is the maximum amount of a pollutant/stressor that a water body can assimilate and still meet the water quality standards. Typically, a TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The Basin Plan is amended to legally establish the TMDL and to specify regulatory compliance, including specification of waste load allocations for entities that have permitted discharges. **Table 4.9-1** lists the beneficial uses and impairment status of water bodies in the Project area, including the pollutants that cause the impairments.

Once a water body is placed on the 303(d) List of Water Quality Limited Segments, it remains on the list until a TMDL is adopted and the water quality standards are attained or there are sufficient data to demonstrate that water quality standards have been met and delisting should take place.

**TABLE 4.9-1
BENEFICIAL USES AND IMPAIRMENT STATUS**

Water Body	Beneficial Use(s)	Impairment Status	Pollutants
Fairfax Creek	Cold Freshwater Habitat (COLD), Fish Spawning (SPWN), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Water Contact Recreation (REC-1), Noncontact Water Recreation (REC-2)	Not listed; drains to Corte Madera Creek	N/A
San Anselmo Creek	COLD, Fish Migration (MIGR), Preservation of Rare and Endangered Species (RARE), SPWN, WARM, WILD, REC-1, REC-2	Not listed; drains to Corte Madera Creek	N/A
Corte Madera Creek	Commercial and Sport Fishing (COMM), COLD, MIGR, RARE, SPWN, WARM, WILD, REC-1, REC-2, Navigation (NAV)	At least one beneficial use is not supported; a TMDL has been developed, and the approved implementation plan is expected to result in full attainment	Diazinon
San Francisco Bay Central	Industrial Service Supply (IND), Industrial Process Supply (PRO), COMM, Shellfish Harvesting (SHELL), Estuarine Habitat (EST), MIGR, RARE, SPWN, WILD, REC-1, REC-2, NAV	At least one beneficial use is not supported and a TMDL is needed	Chlordane, DDT, Dieldrin, Dioxin compounds, Furan compounds, Invasive species, Mercury, PCBs, Selenium, Trash

SOURCE: RWQCB, *Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin*. With amendments adopted through May 4, 2017.

Federal Antidegradation Policy

The federal Antidegradation Policy, established in 1968 under Section 303 of the Clean Water Act, is designed to protect existing uses and water quality and national water resources. Implementation of antidegradation by the states is based on a set of procedures to be followed when evaluating activities that may impact the quality of the waters of the U.S. Antidegradation implementation is an integral component of a comprehensive approach to protecting and enhancing water quality of both surface water and groundwater.

National Flood Insurance Program

The FEMA determines flood elevations and floodplain boundaries based on USACE studies. FEMA also distributes the flood insurance rate maps used in the NFIP. These maps identify the locations of special flood hazard areas, including 100-year floodplains.

Federal regulations governing development in a floodplain are set forth in Title 44, Part 60 of the Code of Federal Regulations. Those regulations enable FEMA to require municipalities participating in the NFIP to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains. These standards are included below in Local Regulations.

The NFIP sometimes further divides the one percent annual chance floodplain on a river into a floodway and floodway fringe (FEMA, 2016). The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the 100-year flood can be carried without substantial increases in flood heights (FEMA, 2016). The area between the floodway and the 100-year floodplain boundaries is termed the floodway fringe, which encompasses the portion of the floodplain that could be completely obstructed without increasing the water surface elevation of the 100-year flood by more than 1.0 foot at any point (FEMA, 2016). Figure 4.9-6 shows the flood hazard areas in the vicinity of the Project sites, described in greater detail above.

4.9.2.2 State Regulations

Porter-Cologne Water Quality Control Act

The State of California's Porter-Cologne Water Quality Control Act provides the basis for water quality regulation within California and assigns primary responsibility for the protection and enhancement of water quality to the State Water Resources Control Board (SWRCB) and the nine RWQCBs. Under the Porter-Cologne Act, the SWRCB and RWQCBs also have the responsibility of granting CWA NPDES permits and Waste Discharge Requirements (WDRs) for certain point-source and non-point discharges to waters. The Porter-Cologne Act allows the California SWRCB to adopt statewide Water Quality Control Plans and Basin Water Quality Control Plans, which serve as the legal, technical, and programmatic basis of water quality regulation statewide or for a particular region. The water quality control plans limit impacts on water quality from a variety of sources. The Basin Plan for the San Francisco Bay and the relevant permits are described below.

San Francisco Bay Water Quality Control Plan (Basin Plan)

San Francisco Bay waters are under the jurisdiction of the San Francisco Bay RWQCB, which established regulatory standards and objectives for water quality in the Bay in the Water Quality Control Plan for the San Francisco Bay Basin, commonly referred to as the Basin Plan. The Basin Plan identifies existing and potential beneficial uses for surface and ground waters and provides numerical and narrative water quality objectives designed to protect those uses. The preparation and adoption of water quality control plans is required by the California Water Code (Section 13240) and supported by the federal CWA. Because beneficial uses, together with their corresponding water quality objectives, can be defined pursuant to federal regulations as water quality standards, the Basin Plan is a regulatory reference for meeting the state and federal requirements for water quality control. Adoption or revision of surface water standards is subject to the approval of the USEPA.

The Project sites are located along Fairfax and San Anselmo Creeks, which drain to Central San Francisco Bay. Central San Francisco Bay extends from the San Rafael Bridge at the north to the Bay Bridge at the south, and from the eastern bay shore between these bridges to approximately Point Bonita in the west. The Central San Francisco Bay basin also includes watersheds that drain to this area of the Bay, including the Ross Valley Watershed. Beneficial uses of these water bodies are identified in Table 4.9-1.

NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ)

In 2003, the SWRCB required small municipal storm drainage systems, including those in Marin, to be regulated under a statewide NPDES Small Municipal Separate Storm Sewer Systems (MS4s) General Permit. Areas that drain to separate stormwater collection systems, such as those within Marin County, were subject to this permit. The Marin County Stormwater Pollution Prevention Program (MCSTOPPP) Action Plan 2010 is the approved Storm Water Management Plan required under the 2003 MS4 permit. Each municipality complied with the 2003 MS4 permit by implementing Action Plan 2010 through a local stormwater program and through the collaborative efforts of MCSTOPPP (MCSTOPP Annual Report, 2013).

On February 5, 2013, the SWRCB adopted the General Permit for Waste Discharge Requirements for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-001-DWQ (2013 MS4 permit; SWRCB, 2013). The 2013 MS4 permit modified the 2003 MS4 permit by establishing the storm water management program requirements in the Order and defining the minimum acceptable elements of the municipal storm water management program (SWRCB, 2013). The required program includes specific elements related to program management, education and outreach on stormwater impacts, public involvement/ participation, illicit discharge detection and elimination, construction site stormwater runoff and control, pollution prevention/good housekeeping for permittee operations, post-construction stormwater management for new development and redevelopment, water quality monitoring requirements, program effectiveness assessment, and annual reporting. For renewal permittees such as Marin County, Fairfax, Ross, and San Anselmo, the guidance document must identify and describe Best

Management Practices (BMPs) included in their previous Stormwater Management Plan that may be more protective of water quality than the minimum requirements of the updated permit, and identify whether the permittee proposes to maintain, reduce, or cease implementation of the BMPs.

Marin County completed water quality testing in accordance with the Small MS4 General Stormwater Permit in 2016, including at one location along Corte Madera Creek (at Lagunitas Road Bridge). Constituents monitored included over one dozen pesticides (including diazinon); parameters also measured included organic carbon, suspended sediment, total dissolved solids, turbidity, water temperature, pH, electrical conductivity, and dissolved oxygen (MCSTOPPP and City of Petaluma, 2016). At the Lagunitas Road Bridge, diazinon was not detected during the three sampling events conducted, and dissolved oxygen concentrations met the water quality objective (MCSTOPPP and City of Petaluma, 2016).

NPDES General Permit for Discharges of Stormwater Associated with Construction Activities

Construction associated with the Project would disturb more than one acre of land surface affecting the quality of stormwater discharges into waters of the U.S. The Project would therefore be subject to the *NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ). The Construction General Permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the U.S. from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. The permit regulates stormwater discharges associated with construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines. This General Permit requires that storm water discharges and authorized non-storm water discharges must not contain pollutants that cause or contribute to an exceedance of any applicable water quality objective or water quality standards (identified in the Basin Plan).

The Construction General Permit requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving waters risk during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving waters risk level reflects the risk to the receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

1. Effluent standards
2. Erosion and sediment controls
3. Good site management (“housekeeping”)
4. Inspection, maintenance, and repair
5. Non-stormwater management
6. Monitoring and reporting requirements

7. Run-on and runoff controls

The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific BMPs designed to prevent sediment and pollutants from contacting stormwater as well as non-storm water, and from moving offsite into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management and good housekeeping/site management practices. Routine inspection of all BMPs is required under the provisions of the Construction General Permit. In addition, the SWPPP is required to contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

Receiving water risk is based on whether the project drains to a sediment-sensitive water body. A sediment-sensitive water body is one that appears on the most recent 303(d) list for water bodies as impaired for sediment, has a USEPA-approved TMDL implementation plan for sediment, or has the beneficial uses of cold freshwater habitat, fish migration, and fish spawning. As shown in Table 4.9-1, while none of the water bodies near or downstream of the Project sites are listed as impaired for sediment or have a TMDL implementation plan for sediment, San Anselmo and Corte Madera Creeks have the beneficial uses of cold freshwater habitat, fish migration, and fish spawning and thus would be considered sediment-sensitive water bodies under the Construction General Permit.

Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, vehicle and equipment washing and fueling. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction).

In addition to stormwater discharges, the Construction General Permit also covers other non-storm water discharges including irrigation of vegetative erosion control measures, water to control dust, uncontaminated ground water from dewatering, and other discharges not subject to a separate general NPDES permit adopted by the Regional Water Board. The discharge of non storm water is authorized under the following conditions:

1. The discharge does not cause or contribute to a violation of any water quality standard;
2. The discharge does not violate any other provision of the General Permit;
3. The discharge is not prohibited by the applicable Basin Plan;
4. The discharger has included and implemented specific BMPs required by the General Permit to prevent or reduce the contact of the non-storm water discharge with construction materials or equipment.
5. The discharge does not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;

6. The discharge is monitored and meets the applicable NALs; and
7. The discharger reports the sampling information in the Annual Report.

In the Project area, the Construction General Permit is implemented and enforced by the San Francisco Bay RWQCB, which administers the stormwater permitting program. Dischargers are required to electronically submit a notice of intent (NOI) and permit registration documents (PRDs) in order to obtain coverage under this Construction General Permit. Dischargers are responsible for notifying the RWQCB of violations or incidents of non-compliance, as well as for submitting annual reports identifying deficiencies of the BMPs and how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a state Qualified SWPPP Developer and implementation of the SWPPP must be overseen by a state Qualified SWPPP Practitioner. A Legally Responsible Person, who is legally authorized to sign and certify PRDs, is responsible for obtaining coverage under the permit.

Waste Discharge Requirements and Water Quality Certification for Stream Maintenance Program

The Flood Control District has an existing Water Quality Certification (Clean Water Act Section 401) and Waste Discharge Requirements issued by the RWQCB to permit actions associated with its Stream Maintenance Program (SMP; SMP; Order No. R2-2017-0028). The SMP addresses actions necessary to continue providing flood protection and to maintain channel conveyance capacity while enhancing natural resources within subject streams. The routine management actions covered by this permit include sediment management, vegetation management, bank stabilization, and associated actions. This permit is renewed every 5 years, most recently in 2017. The details of the permit's terms and conditions come largely from the Marin County Stream Maintenance Program Manual, which can be revised as needed (subject to RWQCB approval) to add new streams or new activities. The five categories of maintenance actions covered are (1) vegetation management, (2) sediment and debris removal, (3) erosion control, (4) maintenance and repair of flood control structures, and (5) levee maintenance. These activities can occur in flood control channels, natural channels, and other facilities on an as-needed basis.

The permit includes certain limits on the extents of channels and the volumes of material that can be addressed in a given year. Those limits are as follows:

1. Maximum length of maintenance within a concrete engineered flood control channels is 2,800 contiguous linear feet;
2. Maximum length of maintenance within an earthen engineered flood control channel is 800 contiguous linear feet;
3. Maximum length of maintenance within a natural channel is 600 contiguous linear feet;
4. Maximum volume of debris or sediment removed from any site is 2,100 cubic yards.

These activities may not exceed a program wide cumulative annual total of 5,000 linear feet of creek channel and 11,000 cubic yards of sediment and debris. Over the Order's 5-year term, these activities may not exceed a program wide cumulative total of 25,000 linear feet and 55,000 cubic yards of sediment and debris. Exceptions to these limits may be approved by the RWQCB on a

case-by-case basis. As discussed in the impacts analysis in Section 4.9.3, below, some of these limits may be exceeded by the added maintenance requirements of the Nursery Basin that would be constructed as part of the Project.

Lake and Streambed Alteration Agreement for Routine Maintenance Activities

The Flood Control District has an existing Lake and Streambed Alteration Agreement issued by CDFW under its (California Fish and Game Code Section 1602). This agreement/permit covers several categories of actions that are implemented regularly for ongoing flood control purposes. These activities are (1) vegetation management, (2) sediment and debris removal, (3) erosion control, (4) maintenance and repair of flood control structures, and (5) levee maintenance. Under this permit, the Flood Control District develops an annual work plan for the necessary activities and submits it to CDFW with follow-up reporting on those activities actually performed. This permit is renewed every 5 years, most recently in 2016.

4.9.2.3 Local Regulations

Marin County Stormwater Pollution Prevention Program

In 1993 MCSTOPPP was created to prevent stormwater pollution, protect and enhance water quality in creeks and wetlands, preserve beneficial uses of local waterways, and comply with State and federal regulations governing water quality. MCSTOPPP is composed of unincorporated Marin County, the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon. The County's local stormwater program is responsible for implementing MCSTOPPP. The local stormwater program is administered by the Department of Public Works / County Flood Control Division staff in cooperation with the Community Development Agency, Environmental Health Services, and Parks and Open Space (County of Marin, General Plan EIR, 2007). Each MCSTOPPP member agency implements a local stormwater pollution prevention program and funds the countywide MCSTOPPP, which provide for the coordination and consistency of approaches between the local stormwater programs.

MCSTOPPP acts as a separate implementing entity to meet 2013 MS4 permit obligations on behalf of all the municipalities and the County. Under the 2013 MS4 permit, the participating municipalities must implement best management practices for operations and maintenance activities, implement stormwater pollution prevention plans at corporation yards, document the amounts of litter removed, and provide an adequate number of litter receptacles in commercial and other litter source areas. Permit requirements are implemented by the County and staff from municipalities. Permit requirements also include operations and maintenance best management practices that municipalities apply to their own operations, public education and staff training, water quality monitoring, stormwater control ordinances, construction site controls, post-construction stormwater program, TMDL compliance tasks, and annual reporting (MCSTOPPP website, 2017). Marin County and the Towns of San Anselmo and Fairfax have adopted local stormwater runoff pollution prevention ordinances, as described below, which include BMPs that would apply to the Project.

Marin Countywide Plan

The Marin Countywide Plan would apply to the Nursery Basin site since the basin is in the unincorporated portion of Marin County just northwest of the Town of Fairfax. The following goals and policies are relevant to hydrology and water quality:

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.

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.

Implementing Program: WR-2.b Integrate Bay Area Stormwater Management Agencies Association (BASMAA) Stormwater Quality Protection Guidelines into Permitting Requirements for All Development and Construction Activities. All projects should integrate stormwater pollution prevention design features for water quality protection to the extent feasible, such as those included in the BASMAA Start-at-the-Source manual and the Tools Handbook

The above-listed goals, policies, and implementing programs are implemented in the Marin County Code Chapter on Stormwater Pollution Prevention, discussed further below.

Marin County Municipal Code

In accordance with federal and state regulations, Marin County has adopted water quality standards applicable to areas within unincorporated Marin County.

Marin County Municipal Code Chapter 23.18, Stormwater Runoff Pollution Prevention

The intent of the chapter is to protect and enhance the water quality of Marin County's watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Clean Water Act, the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), and the Phase II Small Municipal Separate Storm Sewer System (MS4) NPDES Permit, Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004 (phase II stormwater permit) and subsequent revisions and amendments thereto.

The discharge of material other than stormwater to a county storm drain or to an Area of Special Biological Significance (ASBS)⁴ is prohibited. All discharges of material other than stormwater must be in compliance with a NPDES permit issued for the discharge. (Section 28.18.061) Any person engaged in activities which will or may result in pollutants entering a county storm drain shall undertake all practicable measures to cease such activities and/or eliminate or reduce such pollutants. Such activities include, but are not limited to, ownership, operation and/or use of parking lots, gasoline stations, industrial facilities, commercial facilities, construction activities, and stores. However, some discharges that could be generated during construction, such as uncontaminated pumped groundwater, diverted stream flows, and flows from riparian habitats and wetlands are exempt from this discharge prohibition provided any pollutants in the discharges are identified and appropriate control measures to minimize the impacts of such discharges are developed and implemented.

In particular, Section 28.18.093 of the County Municipal Code requires implementation of construction-phase best management practices designed to protect water quality as follows:

Any person performing construction activities in the county shall implement appropriate BMPs to prevent the discharge of construction wastes, including soil or sediment, or contaminants from construction materials, tools and equipment from entering a county storm drain, watercourse, bay or ocean. In addition:

1. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading (soil disturbing) activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.
2. Erosion and sediment control plan requirements.
 - a. An erosion and sediment control plan (ESCP) shall be required for:
 - i. Any project subject to a grading permit under Chapter 23.08, Excavating, Grading and Filling.

⁴ Area of special biological significance (ASBS) means those areas designated by the California State Water Resources Control Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All areas of special biological significance are also classified as a subset of state water quality protection areas. ASBS are also referred to as state water quality protection areas—areas of special biological significance. The nearest ASBS to the Ross Valley watershed are located outside the Golden Gate (SWRCB, 2017).

- ii. Any project subject to a building permit or other permit issued by the County that the agency determines has the potential for significant erosion and/or significant nonstormwater discharges of sediment and/or construction site waste.
- b. The ESCP shall comply with County Code Section 24.04.625 and shall include information required in the most recent version of the MCSTOPPP ESCP applicant package.

In addition, Section 23.18.095 of the County Code requires watercourse protection as follows:

Every person owning, occupying, leasing, renting, or in control of the premises through which a watercourse passes shall: (A) keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute or contaminate the flow of water through the watercourse; (B) maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse; and (C) not remove healthy native bank vegetation beyond that actually necessary for said maintenance, nor remove any vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the agency:

1. Discharge into a watercourse;
2. Modify the natural flow of water in a watercourse;
3. Deposit in or remove any material from a watercourse, including its banks, except as required for necessary maintenance;
4. Construct, alter, enlarge, connect to, change or remove any structure in a watercourse; or
5. Place any loose or unconsolidated material within a watercourse or so close to the side so as to cause a probability of such material being carried away by storm waters.

Marin County Watershed Program

Conceptually authorized by the Marin County Board of Supervisors in 2006, and formally authorized in 2008, the Marin County Watershed Program is run by the Marin County Department of Public Works. It is not a formal regulatory program but does have goals that are relevant to this Project. The program has multiple goals, including to protect, enhance, and restore habitat and water quality, improve efficiency of flood control maintenance operations, identify sea level rise adaptation strategies, and work with the natural watershed processes.

Town of San Anselmo General Plan

The Conservation Element of the Town of San Anselmo General Plan includes policies that are recommended to apply throughout the planning area, including the following policies relevant to hydrology and water quality:

1. Air, water, and noise pollution shall be prevented or minimized.
2. Activities causing damage to hydrological and biological processes shall be discouraged.

3. Streams shall be maintained in or restored to their natural state. A flood channel maintaining the natural settings on San Anselmo Creek and Sleepy Hollow Creek shall be of adequate width and properly maintained to allow passage of flood waters and preservation of riparian vegetation and habitat. Removal of vegetation on the hillsides should be closely controlled in order to minimize erosion, siltation of watercourses, and runoff.
4. Construction shall be located and designed to avoid or minimize the hazards from earthquake, erosion, landslides, floods, fire, and accidents.
5. Water supply, flood control, waste water and solid waste disposal, soil conservation, and open space preservation shall be coordinated to create the greatest public benefit and the least degree of environmental damage.

Town of San Anselmo Municipal Code

In accordance with federal and State regulations, the Town of San Anselmo has adopted water quality and flood control standards applicable in the Town.

Title 5 Sanitation and Health - Chapter 8 Urban Runoff Pollution Prevention

Under Section 5-8.06, the discharge of non-stormwater discharges to storm drains is prohibited. All discharges of material other than stormwater must be in compliance with an NPDES permit issued for the discharge. Any discharge that would result in or contribute to a violation of the Phase II Stormwater Permit and any amendment, revision, or reissuance thereof, either separately considered or when combined with other discharges, is prohibited.

1. Notification of intent and compliance with general permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, SWRCB, or the RWQCB, shall provide Permit Registration Documents, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges.
2. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by the NPDES permit.
3. Compliance with best management practices. Where best management practices guidelines or requirements have been adopted by any Federal, State of California, regional, and/or local agency, for any activity, operation, or facility that may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the storm drains, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the authorized enforcement official.

5-8.10: Construction-phase best management practices. Any person performing construction activities in the Town shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering storm drains or watercourse.

The Town has the authority to review designs and proposals for construction activities to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization.

Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to each site using up-to-date standards and practices. The Town will provide references to current guidance manuals and BMP information on request.

1. When required by the Phase II Stormwater Permit or by the Town, a project shall have an Erosion and Sediment Control Plan (ESCP) that addresses erosion and sediment control and pollution prevention during the construction phase, as well as final stabilization control measures. The ESCP and the specific control measures to be utilized shall be subject to the review and approval of the Town. The ESCP shall be implemented year round and shall be revised to reflect changing conditions on the project site. The Town shall require modifications of an approved ESCP if during the course of construction at a site unanticipated conditions occur, or the plans prove inadequate for the intended purpose. Revisions of the approved ESCP shall be submitted to the Town for review and approval. An Erosion and Sediment Control Plan (ESCP) shall be required for any project:
 - a. Subject to a grading permit under Chapter 18 Excavation, Grading and Erosion Control;
 - b. Subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste;
 - c. As required by the Town considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.
2. The ESCP shall be submitted for review and approval by the Town and shall include information required in the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include:
 - a. Description of the proposed project and soil disturbing activity;
 - b. Site specific construction-phase BMPs;
 - c. Rationale for selecting the BMPs;
 - d. List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Lake and Streambed Alteration Agreement (1600 Agreements).
3. If the project requires coverage under the CGP issued by the SWRCB, Permit Registration Documents must be filed with the SWRCB for said coverage, and a copy of the Waste

Discharge Identification Number shall be submitted to the Town prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP.

4. Financial security may be required to ensure that temporary measures to control stormwater pollution are implemented and maintained during construction and after construction for a period determined by the Town. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the Town.
5. When any work is being done contrary to the provisions of this article, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal, provided in the Town of San Anselmo Municipal Code.
6. Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the Town for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the Town for review and approval.

Title 7 Public Works - Chapter 11 Protection of Flood Hazard Areas

In order to accomplish its purposes, this chapter includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Title 7 Public Works - Chapter 12 Watercourses

Under Section 7-12.06, it is unlawful for any person to construct or repair any pier, retaining wall, slope protection structure, dam, bulkhead, building, bridge or other structure in, over, or within fifteen (15) feet of the bank of any watercourse within the Town without first obtaining a permit therefore from the Director of Public Works. Any and all such work done under such a permit shall be subject to inspection by the Public Works Department and/or the Building Department of the Town as the work progresses. Any person wishing to construct or repair any of the structures mentioned in Section 7-12.06 shall submit to the Department of Public Works an application, including a description of the work to be done, together with the materials to be used, and if the

Director of Public Works, or his representative, deems it necessary, plans and calculations prepared by a registered civil engineer all as described in this chapter.

Hydrologic design shall be predicated upon ultimate development of the tributary watershed, as described in Section 7-12.09. Flood flows to be used for the design of waterways, channels, and closed conduits shall accommodate existing flow or have minimum average recurrence intervals as defined in the code. Major waterways have a drainage area of four square miles or more and shall be designed for an average recurrence interval of 100 years.

Section 7-12.10 describes requirements for hydraulic design. For the solution of hydraulic design problems, the design engineer shall provide reference, model studies, reports, and prototype tests, as is necessary to confirm the hydraulic design. Open channel systems shall be designed to carry the quantity of flow determined as set forth in hydrologic design cross-section with adequate freeboard between design water surface and the top of bank. The hydraulic design of closed conduits outletting into open channels or waterways must limit and control excessive outlet velocities with an energy-dissipator structure, and endwalls must be adequately designed to protect the embankment.

Structures shall be designed and constructed so that hydraulic conditions for both the upstream and downstream waterway will not be altered in a way which would cause degradation, erosion, increased water surface elevation or other undesirable effects. In the case of slope protection, this requirement typically will necessitate the excavation of the creek bank to create a cavity to allow for the placement of slope protection material without reducing the cross sectional flow area of the drainage course.

All graded surfaces, including cut-and-fill slopes, shall be adequately protected against erosion by the installation of erosion-resistant planting or other appropriate measures. Permanent vegetation and other measures for erosion and sedimentation control shall be completed as soon as possible; however, such installation(s) shall be completed no later than two weeks prior to the onset of the rainy season except as provided in this section. The rainy season shall be considered as the period from October 15th to April 15th. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials. The Director of Public Works may waive the requirement to provide such protective devices.

Grading operations shall not be conducted during the rainy season except upon a clear demonstration, to the satisfaction of the Director of Public Works, that at no stage of the work will thereby create substantial increased risk of erosion, sliding or sediment discharge from the site. When grading operations are permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.

Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into approved drainage facilities. The design and installation of erosion and sediment control facilities shall comply with the approved recommendations of the project designer involved in the preparation of the grading design. The specific erosion and sediment control measures to be utilized shall be in general accordance with

the various measures described in the current "Manual of Standards for Erosion and Sediment Control Measures" published by the Association of Bay Area Governments (ABAG).

Town of Fairfax General Plan

As noted, the Project would not occur within the limits of the Town of Fairfax, so the General Plan elements and other Town codes or policies are not strictly relevant. However, they are provided here for informational purposes and to help the Flood Control District and other project partners to be inclusive of concerns from the broader community of stakeholders.

Conservation Element

Goal CON-3: Watershed and stream management

Objective CON-3.1: To preserve and restore creeks and waterways to their natural condition and preserve natural habitats and their connectivity.

Policy CON-3.1.1: Maintain floodwater capacity and promote creek restoration.

Program CON-3.1.1.4: Assess, prioritize and coordinate with appropriate agencies to promote peak stormwater flow detention areas.

Policy CON-3.1.3: Creeks that are channelized shall be restored and/or “daylighted” to improve aquatic habitat. Creeks in a natural state shall not be channelized where possible.

Town of Fairfax Municipal Code

In accordance with federal and State regulations, the Town of Fairfax has adopted water quality and flood control standards applicable in the Town.

Title 8: Health and Safety

Section 8.28.110 states that it is unlawful to build, construct or reconstruct any retaining wall, crib wall, bulkhead, bridge or other structure in, over, across or upon any creek, or to remove any tree within the flood level of any creek in the town, without first securing a permit.

CHAPTER 8.32: Urban Runoff Pollution Prevention

Section 8.32.020 includes discharge regulations and requirements applicable in the Town of Fairfax. The discharge of non-stormwater discharges to the town storm drain system is prohibited. With few exceptions, all discharges of material other than stormwater must be in compliance with an NPDES permit issued for the discharge. Among other exceptions, discharges due to diverted stream flows, uncontaminated pumped groundwater, and flows from riparian habitats and wetlands will not be considered a source of pollutants to waters of the US when properly managed, provided any pollutants in the discharges are identified and appropriate control measures to minimize the impacts of such discharges are developed and implemented.

Any discharge that would result in or contribute to a violation of the Phase II Stormwater Permit and any amendment, revision or reissuance thereof, either separately considered or when combined, with other discharges, is prohibited.

Any person engaged in activities which will or may result in pollutants entering the storm drains shall undertake all practicable measures to cease the activities, and/or eliminate or reduce the pollutants. The activities shall include, but not be limited to ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, ground disturbing activities, and stores fronting town streets.

This Section also include construction-phase best management practices. Any person performing construction activities in the town shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering the storm drain system or watercourse. The town has the authority to review designs and proposals for construction activities to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.

When required by the Phase II Stormwater Permit or by the town, a project shall have an Erosion and Sediment Control Plan (ESCP) which addresses erosion and sediment control and pollution prevention during the construction phase as well as final stabilization control measures. The ESCP and the specific control measures to be utilized shall be subject to the review and approval of the town. The ESCP shall be implemented year round and shall be revised to reflect changing conditions on the project site. The town shall require modifications of an approved ESCP if during the course of construction at a site unanticipated conditions occur or the plans prove inadequate for the intended purpose. Revisions of the approved ESCP shall be submitted to the town for review and approval. An Erosion and Sediment Control Plan (ESCP) shall be required for any project: subject to a grading permit under Chapter 12.20 Excavations Generally; subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste; as required by the town considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.

The ESCP shall be submitted for review and approval by the town. The project applicant shall follow the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include:

1. Description of the proposed project and soil disturbing activity;
2. Site specific construction-phase BMPs;
3. Rationale for selecting the BMPs;
4. List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Lake and Streambed Alteration Agreement (1600 Agreements).

If the project requires coverage under the CGP issued by the SWRCB, Permit Registration Documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the town prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP.

Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the town for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the town for review and approval.

Permanent stormwater controls for new development and redevelopment. The town may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants and for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. These controls may include limits on impervious area. The selection and design of such controls shall be in general accordance with criteria established or recommended by federal, state, and local agencies, and where required by the BASMAA Post Construction Manual. Where physical and safety conditions allow, the preferred control measure is to retain drainage ways above ground and in as natural a state as possible or other biological methods such as bioretention areas. Where required by the Phase II Stormwater Permit Provision E.12, or where required by the nature and extent of a proposed project and where deemed appropriate by the agency, every applicant shall develop, submit and implement a Stormwater Control Plan (SCP) as described below:

1. The SCP shall follow the appropriate SCP template, based on project type, in the most recent version of the BASMAA Post Construction Manual.
2. The specific practices proposed in the SCP shall be subject to the review and approval of the town and shall be in general accordance with the BASMAA Post Construction Manual, and the Phase II Stormwater Permit.
3. The SCP is separate and distinct from the ESCP requirements described in Section 8.32.020(E)(4).
4. All stormwater management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the BASMAA Post Construction Manual.

5. Where required by the town, as a condition precedent to the issuance of a building permit, the applicant shall submit a preliminary Stormwater Facilities Operation and Maintenance Plan (O&M Plan). The approval of the O&M Plan by the town is required prior to final inspection and approval of building permit closure.
6. All stormwater management facilities shall be maintained according to the approved O&M Plan. The person(s) or organization(s) responsible for maintenance shall be designated in the O&M Plan. The O&M Plan shall require that stormwater management facilities be inspected by those responsible for maintenance at least annually. The O&M Plan shall also describe how the maintenance will be funded. Upon the failure of a responsible person to maintain the stormwater management facilities in accordance with the O&M Plan, the town may perform the maintenance and recover its costs from the responsible person as provided in Section 8.32.030.
7. Where deemed appropriate by the town, the town shall have access to stormwater management facilities for inspections, as provided in Section 8.32.030, and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner.
8. All project proponents and their successors, or successors in fee title, in control of project that is located within the town and that is defined as a Regulated Project in Provision E.12.c. of the Phase II Stormwater Permit, or where required by the town, shall submit one of the following as a condition prior to final inspection and approval of building permit closure:
 - i. The project proponent's signed statement accepting responsibility for the operations and maintenance of stormwater management facilities until such responsibility is legally transferred to another entity;
 - ii. Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity;
 - iii. Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the operation and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; or
 - iv. Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the stormwater management facilities to the project owner(s) or the town.
9. Financial security may be required to ensure that stormwater management facilities operate and are maintained following construction for a period which may be determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency.
10. Notification of intent and compliance with general permits.
11. Each industrial discharger, discharger associated with construction activity or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the state's Water Resources Control Board or the Regional Water Quality Control Board, shall provide Permit

Registration Documents, comply with, and undertake all other activities required by any general stormwater permit applicable to the discharges.

12. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by the permit.

Compliance with best management practices. Where best management practices guidelines or requirements have been adopted by any federal, State of California, regional and/or local agency for any activity, operation or facility that may cause or contribute to stormwater pollution or contamination, illicit discharges and/or discharge of non-stormwater to the storm drain system, every person undertaking the activity or operation or owning or operating the facility shall comply with the guidelines or requirements as may be identified by the authorized enforcement official.

Watercourse protection.

1. Every person owning, occupying, leasing, renting or in control of premises through which a watercourse passes, shall:
 - a. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation and other obstacles which would and/or could pollute, contaminate or significantly retard the flow of water through the watercourse;
 - b. Maintain existing privately-owned structures within or adjacent to a watercourse, so that the structures will not become a hazard to the use, function or physical integrity of the watercourse; and
 - c. Not remove healthy bank vegetation beyond that actually necessary for the maintenance, nor remove the vegetation in a manner as to increase the vulnerability of the watercourse to erosion.
2. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Town of Fairfax:
 - a. Discharge into or connect any pipe or channel to a watercourse;
 - b. Modify the natural flow of water in a watercourse;
 - c. Deposit in, plant in or remove any material from a watercourse including its banks, except as required for necessary maintenance; and
 - d. Construct, alter, enlarge, connect to, change or remove any structure in a watercourse; or place any loose or unconsolidated material adjacent to or within a watercourse so as to cause a diversion of the flow, or to cause a probability of the material being carried away by storm waters passing through the watercourse.

4.9.3 Impacts and Mitigation Measures

4.9.3.1 Significance Criteria

Consistent with Appendix G of the State CEQA *Guidelines* and with Appendices K and N of the Marin County Environmental Review Guidelines, the Project could have a significant impact if it would:

- a) Violate any water quality standards or waste discharge requirements;
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site;
- e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- f) Otherwise substantially degrade water quality;
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows;
- i) Expose people or structures to a significant risk of loss, injury or death involving increased risk of flooding (either on- or off-site), including flooding as a result of the failure of a levee or dam; or
- j) Inundation by seiche, tsunami, or mudflow.

Refer to Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources for a discussion of the risk from mudflows and other landslides. Section 4.7 also discusses several federal and state standards for levee and dam design, construction, and inspection, which are referenced in the impact analysis discussion that follows.

The following topics are not analyzed further in this section for the reasons described below:

1. ***Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.***
The Project consists of stormwater flood risk reduction in portions of the Ross Valley watershed, including construction of a stormwater FDS basin and diversion structure adjacent to and within Fairfax Creek, along with associated stormwater drainage structures connecting the basin drain to Fairfax Creek. The Project would detain peak stormwater during high-flow periods, reducing demand on the capacity of existing stormwater drainage systems (which in this case are the creeks in the watershed). The potential for the Project to create or contribute additional sources of polluted runoff is addressed in Impact 4.9-1.
2. ***Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.*** The Project does not include housing development and, thus, would not involve construction of

new housing or structures for human occupancy within a 100-year flood hazard area mapped on a flood hazard delineation map. There would be no impact related to this criterion. The potential for the Project to alter flood flows in areas where housing currently exists is discussed below in Impact 4.9-4.

4.9.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in hydrology and water quality or other hydrology-related impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation and maintenance) impacts of the Project. Impacts are assessed based on changes to the existing conditions described earlier in this section. Mitigation measures are recommended, as necessary, to reduce significant impacts.

Construction Impacts

Construction-related effects on hydrology and water quality are direct or indirect impacts that could occur during construction, including construction and demolition activities as well as groundwater dewatering. The impact analysis considers whether compliance with regulatory requirements for these activities would ensure that these water quality-related impacts are less than significant during construction.

The analysis of flooding (including existing 100-year flooding and flooding associated with sea level rise) considers whether the Project sites are located within a potential flood zone and whether construction-related activities would impede or redirect flood flows. Impacts related to inundation by tsunami are considered significant if the Project site or staging areas are located within a potential tsunami inundation zone and whether construction-related activities would expose people or structures to a significant risk of loss, injury, or death.

Operational Impacts

Operational impacts are associated with long-term operation of the proposed facilities following completion of construction, including changes in water quality, depletion of groundwater resources, and changes in drainage and flooding patterns.

Water Quality. The analysis below evaluates the Project's potential to directly or indirectly increase inputs or mobilization of sediments or pollutants to the streams in the watershed during the operational phase of the Project, as well as whether routine operations and maintenance actions would increase turbidity in the streams themselves.

Groundwater Depletion. The analysis assesses whether there would be a direct or indirect change in the quantity, quality, or flow directions of groundwater from the long-term presence of the Project facilities or the operations and maintenance actions themselves. The analysis also considers whether the presence of Project facilities would impair natural groundwater recharge.

Flooding Patterns. Regarding operational flooding impacts, the California Supreme Court has determined that CEQA does not generally require lead agencies to consider how existing hazards or conditions might affect a project's users or residents, except where the project would exacerbate an

existing environmental hazard.⁵ Accordingly, hazards resulting from a project that places development in an existing or future flood hazard area are not considered impacts under CEQA unless the project would exacerbate the flood hazard or result in secondary water quality impacts as a result of flooding. This Project would not place new developments in flood hazard areas, and so that aspect of flood impacts is less relevant than is an assessment of whether the Project's designed and intended manipulation of stream flows, while generally reducing flood risk, might also worsen flood risk or severity. Accordingly, the analysis below evaluates whether the Project would exacerbate existing or future flood hazards in the Project area (including existing 100-year flooding and flooding associated with sea level rise) and result in a substantial risk of loss, injury, or death or secondary water quality impacts. The impact is considered significant if the project would exacerbate existing or future flood hazards or increase the frequency or severity of flooding in such a way as to substantially increase the threat to life and/or property.

Hydraulic modeling was performed to assess the Project's effects with regard to flooding. U.S. Army Corps of Engineers software HEC-RAS⁶ version 5.0 was used for this purpose. With this software, a combined one-dimensional/two-dimensional unsteady-flow hydraulic model⁷ for the Corte Madera Creek watershed (the model) was developed. The model was calibrated to one previous top of bank⁸ event (on December 15, 2016) and one previous approximately 100-year flood (on December 31, 2005) on Corte Madera Creek. The model was validated with the January 4, 1982 flood event, and was peer-reviewed by the U.S. Army Corps of Engineers (Stetson, 2018). Three flood event types were modeled: a 10-year event, a 25-year event, and a 100-year event. By modeling these events it was possible to identify changes in flood patterns caused by the Project and to assess the extent to which those changes could present an increased risk of loss, injury, or death relative to the existing conditions.

Channel Morphology and Scour. Generally speaking, where hydraulic forces increase, the channel bed and banks could erode. Conversely, a decrease in hydraulic force (due to slowing and diverting water from the channel during operation of the basin, for example) could induce sediment deposition in the channel and, to a lesser extent, in the basin itself.

Model input was developed and refined based on existing data and information, including information about the Corte Madera Creek watershed geomorphology, flooding, sediment transport, and historical geomorphic and channel stability studies, most notably Stetson (Stetson, 2000), Marin County Watersheds, and the San Anselmo Historical Museum. Hydraulic properties important to

⁵ *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

⁶ The full name of the model is the "Hydrologic Engineering Center – River Analysis System".

⁷ Hydraulic models predict the depth and speed of water that will flow over a given location in a channel or floodplain in response to a given creek flow rate, such as the 100-year flood flow. In a one-dimensional (1d) hydraulic model the calculations are made at a series of cross sections surveyed at intervals across the channel and floodplain which might be spaced every 100 feet or more. In a two-dimensional (2d) model the predictions are made at cells across the channel and floodplain, which normally results in denser spatial coverage. A 1d model is very good at estimating the flow at which a channel will overflow and cause flooding, but less good at predicting where water will go once it escapes. A 2d model performs similarly at estimating flood depth in the channel but better predicts where flow will go once it escapes. Steady models run a single flow (e.g. the peak of the 100-year flow) continuously. Unsteady (or dynamic) models run the entire hydrograph with its rising, peak and falling stages. Steady models are generally more conservative than unsteady models because they assume that all parts of the creek and floodplain are receiving the peak flow simultaneously.

⁸ The maximum volume of water a stream channel can carry without overflowing.

sediment transport, including flow velocity⁹, mean shear stress, and stream power, were generated as model output. Existing hydrologic and hydraulic conditions in the broader watershed were also modeled to estimate stream flow characteristics in areas not measured and subsequently aid in model calibration of the main channels. These models were used to analyze existing conditions and project scenarios (CH2M, 2018a); this modeling is also supporting analysis of other projects in the Ross Valley watershed, including the USACE's Corte Madera Creek Project and the Ross Valley Flood Protection and Watershed Program.

Shear stress influences the size of sediment mobilized on a channel bed and is an indication of the potential for channel bed erosion. Scour is the short-term erosion and lowering of the channel bed during peak flow conditions and is used to design protection for infrastructure such as bridges, retaining walls, and rock slope revetments. For this assessment, the bed material sediment sizes at each site were compared with HEC-RAS output and critical shear stress-particle size mobility relations developed by the USGS (USGS, 2008). Using this method, areas of the channels where the peak mean shear stress exceeded the critical shear stress needed to mobilize the sediments in the channel were identified. This comparison was used to determine whether a significant change in scour depth could occur at each site and, thus, produce a potentially significant impact.

4.9.3.3 Impacts and Mitigation Measures

Impact 4.9-1: Project construction could violate water quality standards and/or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. (*Less than Significant with Mitigation*)

Construction

Construction Site Stormwater Runoff - Both Project Sites

Construction of the creek capacity improvements in downtown San Anselmo, the Nursery Basin, and the diversion and overflow structure in Fairfax Creek could result in violations of water quality standards or waste discharge requirements. Construction could degrade water quality as a result of construction-related soil disturbance and discharge of construction stormwater. Additionally, fuels and other chemicals used during construction could also degrade the water quality of receiving waters if spilled and entrained into stormwater runoff or dewatering discharges.

The primary stormwater pollutant at construction sites is excess sediment. Excess sediment can cloud the water, which reduces the amount of sunlight reaching aquatic plants, clog fish gills, smother aquatic habitat and spawning areas, and impede navigation in waterways. Sediment also transports other pollutants such as nutrients, metals, and oils and greases. Hazardous materials associated with construction equipment and practices, such as fuels, oils, antifreeze, coolants, and other substances, could also adversely affect water quality if released to surface waters.

Construction activities can impact a construction site's runoff sediment supply and transport characteristics both during and after the construction phase. Excess sediment could be mobilized anywhere earthwork occurs, including at the Downtown San Anselmo site and the Nursery Basin

⁹ Forces acting on materials in the stream channel (such as sand, pebbles, and boulders) are directly related to the velocity of the stream flow over the materials (the flow velocity). Small changes in velocity can result in large changes in the force acting on materials in the stream channel.

site. Demolition and removal of the buildings at the Downtown San Anselmo site could also expose the creek to debris from construction activities. Additionally, removal of any existing vegetation or impervious surfaces/walls would expose underlying soils that were previously not as susceptible to erosion. Contact with loose bare soil could entrain sediments into the runoff causing sedimentation of the water which could impact water quality in receiving waters downstream.

As explained in greater detail in Section 4.9.2 *Regulatory Setting*, the Flood Control District must comply with the Construction General Permit, because the Project would disturb more than one acre of ground. The Construction General Permit characterizes construction activities by the level of risk to water quality. This is determined using a combination of the sediment risk of the Project and the receiving water quality risk. Projects can be characterized as Risk Level 1, Risk Level 2, or Risk Level 3, with Risk Level 1 representing the lowest risk to receiving water quality. The minimum BMPs and monitoring that must be implemented during construction are based on the risk level. For Risk Level 1 sites, the Construction General Permit specifies minimum BMPs to be implemented that address good housekeeping practices (including those for managing hazardous materials used during construction); non-stormwater management, erosion, and sediment control; and run-on and runoff control. For construction activities characterized as higher risk levels, the minimum requirements identified for Risk Level 1 apply, as do other more stringent requirements. The BMPs are designed to prevent pollutants from coming into contact with stormwater and to keep eroded and/or stormwater pollutants from moving off-site into receiving waters. Pursuant to the Construction General Permit, a SWPPP would be prepared for the Project. The SWPPP would be prepared by a Qualified SWPPP Developer and submitted to the San Francisco Bay RWQCB prior to Project implementation, and would specify established BMPs to be used to control stormwater run-on/runoff and sediment (such as use of check dams and fiber rolls for reducing erosion on slopes and retaining sediment in stormwater) that would be implemented during construction. These BMPs would avoid or minimize stormwater and water quality effects caused by construction site runoff. Compliance with the CGP, including preparation and implementation of the SWPPP and associated BMPs as well as inspection and reporting, would effectively reduce degradation of surface water quality to a less-than-significant level.

Adherence to these requirements would also effectively reduce potential impacts associated with spills or leaks of hazardous materials and stormwater quality during construction and thus impacts would be less than significant.

Construction Dewatering – Both Project Sites

Construction dewatering at the Project sites would likely be required to create dry work areas for excavations (groundwater dewatering) and for work within the creek channel (areas separated from the surrounding creek by a cofferdam). Dewatering of groundwater from excavations typically would involve pumping water out of the excavated area into settlement tanks and, following appropriate on-site treatment, discharging the water over land or into municipal separate sewer systems and/or creek. Water pumped from within the cofferdam could be redirected to the creek channel downstream of the work area.

Sediment or other water pollutants originating from construction equipment, existing contaminated groundwater, or surrounding disturbed land could be released with the dewatered water, degrading

surface water quality. The removed water could be contaminated with chemicals released from construction equipment, sediments from excavation, or, although unlikely (see Section 4.8, *Hazards and Hazardous Materials*), from contaminated groundwater from offsite sources. Waters isolated within cofferdam areas would likely contain high concentrations of sediment as a result of the amount of ground disturbance within the isolated work area. These discharges could violate water quality standards or substantially degrade water quality resulting in a potentially significant water quality impact.

Under the Clean Water Act, Section 402, discharging pollutants to receiving waters of the United States is prohibited unless the discharge is in compliance with an NPDES permit. Thus, discharge of non-stormwater from a trench or excavation that contains sediments or other pollutants to sanitary sewer, storm drain systems, or receiving waters is prohibited without first securing appropriate NPDES permit authorization. The State Water Board recognizes within the CGP that certain non-storm water discharges may be necessary for the completion of construction projects. Authorized non-storm water discharges may include uncontaminated groundwater dewatering, and other discharges not subject to a separate general NPDES permit adopted by a RWQCB. The CGP authorizes such discharges provided they meet the following conditions:

1. are infeasible to eliminate;
2. comply with BMPs as described in the SWPPP;
3. filter or treat, using appropriate technology, all dewatering discharges from sedimentation;
4. meet the Numeric Action Limits (NALs) for pH and turbidity; and
5. do not cause or contribute to a violation of water quality standards.

If the removed water from is found to be contaminated, to comply with the CGP requirements excavation dewatering would be collected, handled, and treated on-site and discharged in compliance with requirements of the CGP. California Water Code Section 13269 authorizes the RWQCB to waive WDRs for specific discharges or specific types of discharges to land where such a waiver is consistent with any applicable state or regional water quality control plan. Therefore, disposal of dewatering discharge would be required to comply with State permit conditions, either an NPDES Permit or a waiver (exemption) from the RWQCB.

Operation

Both Project Sites

The Project would not construct new impervious surfaces that could collect pollutants and wash them into the creeks or otherwise result in a new ongoing source of stormwater pollution.

The Downtown San Anselmo site would not include substantial new impervious area or other new potential sources of polluted runoff. The existing concrete staircase to the creek and the existing viewing platform would be replaced, as would existing sidewalk, with improvements of equivalent size. The creek banks would be graded, planted, and stabilized along the reach, and existing storm drains that empty into this portion of San Anselmo Creek would be replaced; slope protection would be installed at the storm drain outfalls. The Creek Park deck and stairway would also be replaced, ensuring a non-erodible pathway to the creek remains after the Project is complete.

The Nursery Basin would not be a lined basin; instead, the area would be maintained in a naturalistic state, allowing collected precipitation and groundwater to drain to Fairfax Creek through the gravity outlet pipe most of the time. Access to the site would be limited by fencing, and vehicle access would generally be limited to the maintenance road. The maintenance road along the basin perimeter would be surfaced with gravel. During wet weather events, once the gate on the diversion structure is activated and water from Fairfax Creek flows into the basin, sediment and other debris from Fairfax Creek may collect in the basin. The basin thus may trap sediment and other debris that otherwise would remain in Fairfax Creek. The Flood Control District would remove this material, as needed, from the basin to maintain basin capacity.

The Flood Control District also would conduct routine, annual removal of sediment deposited in the Fairfax Creek channel, generally during the dry season or after large storm events. The volume of deposited sediment would vary from year to year, depending on storm intensity and rainfall quantities. For planning purposes, however, it was estimated that a single 10-year storm event could deposit up to 1,600 cubic yards of sediment in the portion of Fairfax Creek immediately upstream of the diversion structure (CH2M 2018b). Removal of that deposited sediment would occur in accordance with the Flood Control District's Stream Maintenance Program, which includes requirements designed to reduce the impact of stream maintenance activities such as sediment and debris removal. In accordance with the Stream Maintenance Program, the Flood Control District would determine how and where to excavate sediments, such that the excavation is consistent with dominant fluvial geomorphic processes and the resulting channel optimizes sediment transport. The Flood Control District would list and justify the need for the sediment removal as part of the annual Pre-Project Notification submitted to the RWQCB for approval. Routine sediment removal would occur during the dry season (June 15 to October 31). Sediment removal would include a proposed sediment reuse or disposal location. Sediment may be temporarily stockpiled onsite for up to three days, or temporarily stockpiled offsite provided that runoff, sediment, or decant water from the excavated materials do not contact surface waters of the State of California. The Flood Control District or its contractor would have equipment and supplies onsite that could immediately be deployed as additional measures to minimize the levels of turbidity that exceed water quality objectives. Staging would occur on access roads or previously disturbed areas.

As discussed further in Impact 4.9-3, the volume of sediment deposited during larger storms could be sufficient to alter the function of the Nursery Basin such that sediment removal may be required between storms when the creek is flowing. Sediment removal activities in Fairfax Creek when the creek is flowing could adversely affect water quality by increasing turbidity and potentially releasing fuels and other chemicals associated with sediment removal equipment, a potentially significant impact. **Mitigation Measure 4.9-1, Implement Dewatering BMPs for In-Water Work**, would address this impact.

Mitigation Measure 4.9-1: Implement Dewatering BMPs for In-Water Work

For in-water dewatering during sediment removal activities, the Flood Control District or its contractor(s) shall prepare a Dewatering Plan. The Dewatering Plan shall identify best management practices (BMPs) that ensure sediment removal activities meet water quality objectives. In-stream sediment removal shall follow approved and permitted dewatering

practices for wet weather sediment removal during more infrequent flood events in Fairfax Creek. This work shall be timed to take place as flows are receding and only after instream measures to reduce downstream turbidity are in place. In addition, the Flood Control District shall implement the measures below, or whatever more stringent water quality protection measures are imposed by the RWQCB.

1. All work performed in-water shall be completed in a manner that meets the water quality objectives to ensure the protection of beneficial uses as specified in the Basin Plan
2. All dewatering and diversion methods shall be installed such that natural flow is maintained upstream and downstream of the project area.
3. Any temporary dams or diversion shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area.
4. Screened pumps shall be used in accordance with CDFW's fish screening criteria and in accordance with the NMFS Fish Screening Criteria for Anadromous Salmonids and the Addendum for Juvenile Fish Screen Criteria for Pump Intakes
5. Cofferdams shall remain in place and functional throughout the in-stream construction or maintenance periods.
6. Disturbance of protected riparian vegetation shall be limited or avoided entirely.

Significance after Mitigation: Mitigation Measure 4.9-1 would reduce this potential impact on water quality to a less-than-significant level by requiring the implementation of standard BMPs to remove sediment from the dewatering discharge directed to receiving waters and to control the rate of discharge such that adverse effects related to runoff, flooding, and damage to adjacent structures would not occur.

Impact 4.9-2: The Project would not substantially deplete groundwater supplies, interfere substantially with groundwater recharge or absorption, or intersect groundwater by cuts or excavations such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (*Less than Significant*)

The Project would not lower the groundwater table as a result of groundwater extraction or through a substantive reduction in groundwater recharge. Project impacts relating to groundwater supplies and groundwater recharge are assessed below for both the construction phase and the operation phase.

Construction

Nursery Basin

No State-identified groundwater basins are identified beneath the Project area; however, unconfined groundwater was encountered during geotechnical investigations of the Nursery Basin site. Excavation may encounter shallow groundwater. If water were to accumulate in an open excavation as a result of groundwater seepage, dewatering could be required to maintain a dry working environment so that construction activities may proceed as discussed in Impact 4.9-1. Such

dewatering could be required during excavations for the levees, the diversion structure, the basin interior, and other creek improvements. In the excavation expected for base of the diversion structure and the opening(s) within it the inflows are anticipated to be low because groundwater levels are no more than 3 feet above the bottom of the excavations. In the Nursery Basin, soils at the base of the excavation site were found to be clayey to silty soils with horizontal hydraulic conductivity of 1.6×10^{-5} centimeters per second, limiting the amount of water that would enter the basin during construction to low amounts (CH2M, 2018a).

Dewatering of open excavations, when necessary, would involve pumping water out of the excavated area and discharging it as discussed in detail under Impact 4.9-1, above. The affected groundwater for Project excavations would be from the shallow aquifer, which is not used as a source of municipal drinking water. Such dewatering activities would be limited to as-needed pumping, would be temporary in nature, and would only affect unconfined groundwater, and thus would not substantially affect local groundwater levels such that there would be a net deficit in aquifer volume or lowering of the local groundwater table. Additionally, any impact to groundwater during construction would be confined to the vicinity of the excavation. Groundwater levels would return to pre-Project conditions once construction is completed.

Downtown San Anselmo Creek Capacity Improvements

Construction of the creek capacity improvements would not affect groundwater supplies. Construction would involve the removal of the building at 634-636 San Anselmo Avenue and associated improvements. These activities would not interfere with groundwater recharge as no impervious surfaces would be constructed as part of the Project. Construction excavations may intersect the groundwater table but would not cause a net deficit in aquifer volume or lower the local groundwater table. The creek capacity improvements would have no impact on groundwater.

Operation

No long-term groundwater dewatering would be required as part of Project operation. The Project would not involve long-term groundwater extraction as part of operations and would not involve the addition of substantial new impervious surfaces that would impede groundwater recharge.

Nursery Basin

The potentially water-bearing alluvium beneath the Nursery Basin site has a substantial fine-grained component, layers of which are often separated by layers of lean clay (CH2M, 2018c). These materials are unlikely to have hydraulic conductivities capable of producing quantities of water that would affect the performance of the basin (CH2M, 2018c). The floor of the Nursery Basin is positioned within an intermediate lean clay layer, providing several feet of low permeability material beneath the basin (CH2M, 2018c). Groundwater modeling estimated that the average rise in groundwater across a distance of 525.8 feet would be less than 0.01 foot, indicating that there would be minor to no impact to local groundwater levels caused by basin operations (CH2M, 2018c). This minor change in groundwater would be temporary and not lower existing groundwater levels, making this impact less than significant.

Downtown San Anselmo Creek Capacity Improvements

Operation of the creek capacity improvements would reduce the amount of stormwater flowing over the floodplain, which typically increases groundwater recharge in areas with pervious surfaces. However, the existing floodplain in the Project area is composed almost entirely of impervious surfaces and so no groundwater recharge currently occurs during flood events. The creek capacity improvements would have no impact on groundwater.

The Project would not substantially deplete groundwater supplies or interfere with groundwater recharge; the impact would be less than significant.

Mitigation: None required.

Impact 4.9-3: The Project could alter existing drainage patterns, potentially causing new erosion or siltation. (*Less than Significant with Mitigation*)

In the following discussion, the separate effects of each Project element on erosion and sedimentation are first described qualitatively. Then, a detailed discussion of erosion and sedimentation impacts is based on implementation of both elements, because the combined effect of both elements was modeled to determine changes in flood inundation and extent. The effects of the Project combined with other projects that could alter existing patterns of flooding are evaluated in Chapter 5, *Growth-Inducing and Cumulative Effects*.

Construction

During construction of the various Project elements, soil disturbance associated with grading and earthmoving operations could expose soils to stormwater runoff, which could result in on-site erosion and sediments being transported in stormwater runoff, subsequently resulting in downstream siltation. Implementation of relevant construction-related BMPs identified in the SWPPP required by the CGP, discussed in detail in Impact 4.9-1, would decrease these impacts to less than significant.

Operation

Nursery Basin

During operation, the diversion structure in the Fairfax Creek channel would re-route large storm flows out of the creek and into the basin. These alterations to the existing drainage pattern would not result in substantial erosion on-site. However, the diversion structure placed in the creek to route flows could temporarily slow flows at that specific site. Slowed flows carrying sediment could deposit substantial amounts of sediments (across a range of sizes) in the channel behind the diversion structure, as discussed below. The Project would not involve the addition of substantial new impervious surfaces.

Dry Weather Operation. During most of the year and under almost all rainfall conditions except when flooding is observed downstream at the Fairfax Creek stream gage and/or the Ross stream gage, the Project would not alter the drainage pattern of the creek and the creek would flow

unimpeded through the low-flow opening(s) in the diversion and overflow structure. The impacts of dry weather operation would be less than significant.

Peak-Flow Operation. The flood diversion and overflow structure would be designed to substantially alter the existing drainage and runoff pattern of Fairfax Creek subwatershed during peak flow events. During these peak flow events, a gate within a fully spanning concrete or other appropriate structure would be lowered so creek flows would rise and spill into the basin over the creek bank via a constructed side-weir or lower opening on the south side of the basin. During a 10-year event (i.e., 10 percent annual chance) and in less frequent flood events, the water surface elevation behind the diversion structure would increase to at least 235 feet; at which point water would flow over the designed low point in the diversion structure and continue into Fairfax Creek. During 25-year flood events (i.e., 4 percent annual chance events), the water surface elevation upstream of the diversion structure would be approximately 236 feet NAVD88, and water would similarly flow over the diversion structure. Finally, during a 100-year flood (i.e., 1 percent annual chance) event, the water surface elevation would be approximately 236.5 feet NAVD88. The detained water would be held in the basin and in the creek channel behind the diversion structure until the flood stage has decreased and then slowly drained back to the creek via gravity flow.

During operations, sediment deposition would be limited primarily within the Fairfax Creek channel (upstream of the diversion structure); some finer sediments could deposit in the lower southeast corner of the basin. Coarse sediments could be deposited in the Nursery Basin if Fairfax Creek's low flow channel is filled with sediment to 228 feet (CH2M, 2018a). Aspects of the basin operations would also be designed to manage collected debris. Sediment would first be screened from re-entering the creek by a ~~riser pipe inlet and a gate~~ sloped trash rack to manage outflow from the basin, which are devices used to protect the drains from clogging. Access roads would be retained and added to facilitate cleaning and maintenance of the basin, the seasonal stream, and the basin drain. Maintenance would be completed by the Flood Control District. A more detailed description is included in Section 3.6 of the Project Description.

In the Fairfax Creek channel, during operation of the basin, sediment transport capacity upstream of the flood diversion and overflow structure would be reduced (CH2M, 2018a). Under current conditions, flood flows in this reach are adequate to maintain the low flow and bankfull channel by moving the coarse gravel to small cobble-sized channel bed materials downstream (CH2M, 2018a). During basin operations, this reach of Fairfax Creek would transport sand-sized or smaller sediments through the diversion structure, but gravel and larger bed materials would be deposited upstream of the diversion structure (CH2M, 2018a).

Sediment deposition would reduce the effective Nursery Basin capacity by varying amounts. For example, a 10-year event could deliver enough material to fill about 14 percent of the active channel below the elevation of the overflow portion of the diversion structure (235 feet NAVD88) between the channel and the basin. A 25-year storm event could deposit enough sediment to fill about 32 percent of the channel's storage volume below the overflow portion of the diversion structure. This increased sedimentation would reduce the effective capacity of the Nursery Basin by between one and two acre-feet, respectively. Increased sedimentation would also change the functioning of the

diversion and storage system such that a portion of the peak flow of the storm may not be captured in the Nursery Basin. That peak flow would instead be passed over the diversion structure and continue downstream, limiting downstream decreases in flooding.

While sediment deposition in this reach could occur more frequently than under existing conditions, the general cycle of channel filling during large storm events followed by erosion and sediment transport during the remainder of the wet season would continue. Sediment and debris deposited during basin operations may fill in behind the diversion structure and thus reduce the basin's ability to drain after the storm. The gate on the structure would be designed to effectively transport sediment during smaller, more frequent flood events (the 5-year flood event, for example). Modeling would be performed during the design stage to properly determine the proper sizing and operation of the gate to support the intended flood risk reduction function and to allow sediment transport. Generally, gate would only be lowered during high flow events (the only times when the basin would operate), thus reducing the volume of sediment filling the channel during basin operations. The design elevation of the gate would be evaluated and informed by two-dimensional sediment transport modeling. More frequent flows during the wet season after operation of the basin would be able to pass through the diversion structure, and could remobilize some of the deposited gravel bed materials, which would help maintain the existing pattern of sediment aggradation and transport within Fairfax Creek.

Once the wet season has ended and the creek channel has dried, the Flood Control District would conduct annual sediment removal at Fairfax Creek along the Nursery Basin to maintain the existing capacity of the channel. The Flood Control District would conduct sediment removal in accordance with existing requirements of the Stream Maintenance Program. Pursuant to limits in the Stream Maintenance Program, no more than 2,100 cubic yards of material may be removed from any one site annually. The combination of sediment remobilization during low flow events and sediment removal during the dry season would reduce the amount of material accumulating in the channel behind the diversion structure each year. However, during years when very large (25-year event or larger) events occur, the volume of sediment deposited behind the diversion structure may be larger than 2,100 cubic yards. The Project could thus result in ongoing aggradation upstream of the diversion structure and increasing scour downstream, a potentially significant effect. Implementation of **Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance**, would reduce this impact.

During large flow events, once the storage areas in the basin and creek channel are full, flows would pass over a designed low point in the diversion structure and continue down Fairfax Creek, increasing the hydraulic force downstream of the diversion structure and potentially increasing downstream scour. The Project includes installation of scour protection on Flood Control District property to reduce erosion of the existing bed downstream of the diversion structure.

Downtown San Anselmo Creek Capacity Improvements

The Project would remove the existing private commercial building at 634-636 San Anselmo Avenue, which is built directly above the creek and currently forms a substantial impairment to flows in San Anselmo Creek. Removing the building would improve channel capacity and allow flood waters to remain in the creek channel and reduce overflow of the creeks banks onto and

around nearby streets and buildings. The increase in flow volume and velocity could result in increased erosion around existing structures in the creek, along creek banks, and in the channel bed.

Upstream of Downtown San Anselmo Site. Local hydraulic forces and sediment transport capacity would increase under the building at 638 San Anselmo Avenue and approximately 70 feet further upstream, to the Bridge Avenue bridge. Based on hydraulic modeling, the sizes and fraction of creek sediment mobilized during a 25-year event at 638 San Anselmo Avenue and further upstream would increase from 80 percent to 90 percent of the channel bed sediment with removal of the building at 634-636 San Anselmo Avenue (CH2M, 2018a). Scour could thus increase in the channel from the Project site upstream to the Bridge Avenue bridge, potentially undermining support piers and retaining walls under the building at 638 San Anselmo Avenue, channel banks, and the concrete sill and pipeline in the creek at Bridge Avenue. This would be a significant impact. Implementation of **Mitigation Measure 4.9-3b, Scour Analysis and Protection Measures**, would address this impact.

Downstream of Downtown San Anselmo Site. Removal of 634-636 San Anselmo Avenue would also slightly increase the maximum stream flow velocities, relative to existing conditions, from Barber Avenue past the Winship Bridge and to the Sir Francis Drake Bridge during the 25-year and 100-year events (Stetson Engineers, 2018). The existing channel flow velocities would vary from around 3-7 feet per second in this reach for these flood events.

Flow velocities are neither uniform nor steady in natural channels, and are not the only characteristic influencing erosion patterns (sediment load, channel lining characteristics, and upstream conditions also affect local patterns of erosion; Fischenich, 2001); however, as a general principle, higher flow velocities can be used to evaluate the potential for a stream to scour or erode away the stream banks or incise the channel bottom. The existing condition of the banks and channel influence the resistance to this erosive potential: noncohesive, unvegetated dirt slopes have low resistance, while mature riparian vegetation has more resistance, and rock or other forms of armoring (e.g., retaining walls) have the most resistance (Fischenich, 2001). In the reach of San Anselmo Creek that would occasionally experience increased flow velocities (i.e., for a few hours at a time during large wet-weather events), the channel banks range from unvegetated to fully vegetated. In addition, several of the affected properties are protected by vertical retaining walls of varying age and condition.

To assess the potential for the increased flow velocities to substantially increase erosive potential, this analysis used the HEC-RAS hydrologic model's outputs of flow velocity as the measure of erosive potential. The modeled flow velocities in events of varying sizes (the 10-, 25-, and 100-year events) after Project implementation were compared to those same events under existing conditions. The results indicated that there would be no change in the flow velocities during a 10-year event. During a 25-year event, depending on the location along that stream reach, the flow velocities would increase by up to 4 percent; however, flow velocity increases at all of the affected locations would be within the existing range of flow velocity variability.¹⁰ During a

¹⁰ Determined by comparing the modeled future flow velocities along the creek channel to the standard deviation of the set of modeled existing flow velocities along the same channel. As noted previously, flow velocities vary widely in modeled existing conditions (between 3 and 7 feet per second). All modeled changes in flow velocities were within one standard deviation of the mean of existing flow velocities.

100-year event, the flow velocity would increase by 1 percent to 3 percent, which is also within the existing range of flow velocity variability (and is a reduced change relative to the 25-year event because the baseline conditions for the 100-year event are already high). These increases in flow velocities are small, and are within the range of variability in the existing conditions. The slight increases in maximum flow velocities and potential increases in scour and erosion that could arise from Project implementation also would occur only for brief periods in large and infrequent flood events, and in only a few locations. This impact would be less than significant.

Summary

The Project would not cause new erosion or siltation during construction with implementation of relevant construction-related BMPs identified in the SWPPP required by the CGP, discussed in detail in Impact 4.9-1. During operations at the Nursery Basin, sediment could deposit behind the diversion structure, a significant impact. **Mitigation Measure 4.9-3a, Prioritize Nursery Basin Reach for Stream Maintenance**, would address this impact. During operations near the Downtown San Anselmo site, scour would increase along San Anselmo Creek from the Downtown San Anselmo site upstream to the Bridge Avenue bridge, a significant impact. Implementation of **Mitigation Measure 4.9-3b, Scour Analysis and Protection Measures**, would address this impact. The Project would have a less-than-significant effect on erosion and sedimentation downstream of the Downtown San Anselmo site.

Mitigation Measure 4.9-3a. Prioritize Nursery Basin Reach for Stream Maintenance

The Stream Maintenance Program waste discharge requirements impose limits on the total volume of material allowed to be removed from all of the streams covered by that permit. In order to retain the design capacity of the Nursery Basin and the associated storage within the Fairfax Creek channel behind the diversion structure, the Flood Control District shall prioritize sediment removal at this site over other sites covered by the Stream Maintenance Program and shall remove all deposited sediment up to the maximum volume allowed under the existing permit (2,100 cubic yards). If deposited sediment still remains after removing the maximum volume, then this site shall be prioritized in subsequent years to remove the remaining sediment and any newly accumulated material, again up to the maximum allowed.

Mitigation Measure 4.9-3b. Scour Analysis and Protection Measures Upstream of the Downtown San Anselmo Site

Due to the dependence of erosion and sedimentation patterns on the bed-scale morphology of the new structures, measures to counter scour and sedimentation issues must be based on more advanced project design. To reduce Project impacts on erosion and sedimentation, the Flood Control District shall conduct a scour analysis for the San Anselmo Creek channel upstream of the Downtown San Anselmo site and then develop and implement appropriate scour countermeasures from the analysis into project design and operations. The analysis shall be based on at least 30 percent design and must evaluate the potential for scour and channel bank erosion including specifying the expected depth and lateral extent both immediately upstream and downstream of the Project site from 634-636 San Anselmo Avenue to Bridge Avenue bridge. The analysis shall recommend foundation designs and scour protection measures that protect structures to depths below potential scour, estimated using standard engineering methods. The Flood Control District shall implement the foundation designs and scour protection

measures in final project design. Foundation design and scour protection measures commonly used to protect existing in-channel structures and banks and that could be implemented in this Project include but are not limited to:

1. Adding new rock revetment or extending the depth of existing rock revetments
2. Extending the foundations of vertical retaining walls using sheet pile or concrete

Significance after Mitigation: Less than Significant. Mitigation Measure 4.9-3a would avoid or reduce the volume of new sediment deposited by the Project between multiple high flow events by either incorporating design modifications into the Project that result in maintaining existing sediment transport capacity within Fairfax Creek channel or conducting sediment removal. Mitigation Measure 4.9-3b would reduce adverse effects of scour caused by the Project by requiring that existing structures be protected to depths below potential scour, based on advanced project design.

Impact 4.9-4: The Project would substantially alter the existing drainage pattern of the watershed, altering patterns of flooding onsite and offsite. (*Significant and Unavoidable*)

As discussed in Chapter 3, *Project Description*, the purpose of the Project is to reduce the frequency and severity of flooding in portions of Ross Valley. The Project was designed to meet this goal by reducing the volume of peak stormwater flows in Fairfax and San Anselmo Creeks and increasing creek capacity by removing obstructions to flow. In the following subsections, the separate effects of each element on flooding is described generally; detailed discussion of flooding impacts is based on implementation of both elements, however, because the combined effect of both elements was modeled to determine changes in flood inundation and extent.

Chapter 5, *Growth-Inducing and Cumulative Effects*, evaluates the effects of the Project combined with other projects that could alter existing patterns of flooding, such as projects included in the Flood Control District's Ross Valley Flood Protection and Watershed Program.

Construction

During construction of the Project components, grading and earthmoving could alter local drainage patterns and redirect or concentrate stormflows, which could temporarily alter drainage patterns within and adjacent to the construction site and redirect or concentrate stormflows into the adjacent creeks.

Ground disturbance associated with Project construction activities at the Nursery Basin site could cause local changes in runoff patterns, but the effects of these changes on flooding would be limited because construction activity would occur during the dry season and the graded areas would continue to drain to Fairfax Creek unless specified otherwise in the SWPPP developed for the Project pursuant to the Construction General Permit. At 634-636 San Anselmo Avenue, ground-disturbing activities would also cause temporary local changes in runoff patterns, but the effects of these activities would be similarly reduced by implementation of best management practices from the Project's SWPPP that slow and control runoff to reduce erosion, discussed in Impact 4.9-1. These best management practices would also be effective in reducing effects on flooding caused by

construction activities. Implementation of best management practices would reduce the effects of Project construction activities such that impacts would be less than significant.

Operation – Upstream of the Nursery Basin Site

The Project may change flooding inundation extent and depth adjacent to Fairfax Creek upstream of the Nursery Basin site. As discussed in greater detail in Impact 4.9-3, operation of the diversion structure may result in increased sedimentation upstream. By reducing the capacity of the Fairfax Creek channel, the additional sediment deposited in the creek may cause a minimal increase in the water surface elevation upstream of the Nursery Basin site during peak flow events. Presently, the 100-year flood water surface elevation in the Fairfax Creek channel starting from the western edge of the Nursery Basin site and extending upstream for 400 feet ranges from 233 to 238 feet NAVD88. The existing 25-year event water surface elevation is very similar. With increased sedimentation, the Project could change water surface elevations to between 236.5 to 238.5 feet during the 25-year storm event along this same stream reach. At these elevations, new inundation could occur on a portion of one parcel in an area of low channel banks upstream of the Sunnyside Bridge.

Operation – Downstream of the Nursery Basin

Stormwater runoff volumes and rates can increase significantly when drainage patterns are substantially altered such that flow is concentrated or when the impervious surface area is increased. The Project would not involve the addition of substantial new impervious surfaces, but would alter drainage in the vicinity of the basin and remove channel obstructions in downtown San Anselmo.

The Nursery Basin's system would alter the existing drainage of the site by detaining stormwater flows from Fairfax Creek in the basin under certain flow conditions. However, the Nursery Basin would not increase the amount of surface runoff in a manner that would result in flooding because it would attenuate stormwater flows by detaining them on-site. Removal of the commercial building at 634-636 San Anselmo Avenue would allow more flood flows to stay in the channel, which would reduce localized flooding, but which also could increase the water surface elevation in the creek downstream of the Project site, resulting in inundation depth increases in limited areas. In downtown San Anselmo, the Project would add approximately 190 cubic feet per second of capacity upstream of 638 San Anselmo Avenue and about 90 cubic feet per second of capacity upstream of Center Bridge (Stetson Engineers 2017a, 2017b).

The Project's effects on flood reduction would differ depending on the severity of the flood event. The Project's modeled flood reductions are described below for three types of flood events to characterize this variability. The 10-year event represents flooding with a 10 percent chance of being equaled or exceeded in any given year. The 25-year and 100-year events represent flooding with a 4 percent chance and 1 percent chance, respectively, of being equaled or exceeded in any given year. Due to the size of the Nursery Basin, the Project's greatest reduction in flooding would occur during more frequent storms (the 10-year event), when approximately 300 fewer parcels in unincorporated Fairfax, Fairfax, San Anselmo, and Ross would experience flooding and inundation depth would be decreased on 230 parcels in the floodplain. The depth of inundation associated with a 25-year event would also be reduced by the Project, though not by as

much (reducing flooding depth on approximately 615 parcels in the floodplain; 20 parcels would be removed from the floodplain). The Project's reduction of flooding from a 100-year storm event is also limited because the basin's capacity is able to hold only a relatively small portion of that total runoff volume. With Project implementation, the depth of inundation would be reduced on approximately 470 parcels in the floodplain that currently experience flooding during the 100-year event, and 10 parcels would be removed from the floodplain.

Figures 3-13a, 3-13b, and 3-13c (in Chapter 3, *Project Description*) show the change in inundation depth caused by the Project during the 10-year event, illustrating the changes in flooding in three general areas of the watershed. These areas were chosen to capture the complete effects of the Project on existing flood patterns, and range from downtown Fairfax at the upstream end to lower downtown San Anselmo and Ross at the downstream end. Figures 3-14a, 3-14b, and 3-14c show the changes in inundation depth in these three areas during the 25-year event, and Figures 3-15a, 3-15b, and 3-15c show the changes in inundation depth during the 100-year event. **Table 4.9-2** summarizes the changes in inundation depth and extent in the three general areas of the watershed for the 10-year, 25-year, and 100-year events.

TABLE 4.9-2
CHANGE IN FLOOD INUNDATION DEPTH AND EXTENT IN FAIRFAX AND SAN ANSELMO

Q	Location	Maximum Inundation Depth Reduction in the Floodplain (inches)	Change in Inundation Extent	Inundation Depth Increase in areas of new flooding (inches; where relevant)
10	Fairfax	17	reduction	--
	Upper Downtown San Anselmo	20	reduction	--
	Lower Downtown San Anselmo	20	reduction	--
25	Fairfax	2	nearly zero	--
	Upper Downtown San Anselmo	6	nearly zero	--
	Lower Downtown San Anselmo	6	minor increase	4
100	Fairfax	4	nearly zero	--
	Upper Downtown San Anselmo	5	nearly zero	3
	Lower Downtown San Anselmo	5	nearly zero	3

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017.

In addition, Table 3-1 (also in Chapter 3, *Project Description*) presents summaries of model results for the numbers of parcels that would be removed from the inundation area entirely, that would experience a reduced depth of inundation, or that would experience an increase in inundation depth. The last of those could include being added to a potential inundation area. For convenience, that table is presented again here as **Table 4.9-3**. It is important to note that increased inundation depth on a parcel or the addition of a parcel to the inundation area does not necessarily imply that the flooding reaches or damages a structure or that otherwise causes an adverse impact on those parcels. All of these results are discussed in greater detail below.

**TABLE 4.9-3
MODELED PROJECT OUTCOMES ON PARCELS AFFECTED BY FLOODING**

Flood Risk Change by Number of Parcels	10-year event	25-year event	100-year event
Removed from Inundated Area	300	20	10
Decreased Inundation Depth	230	615	470
<i>Parcels with New Inundated Area or Increase in Depth</i>	<i>0</i>	<i><u>1820</u></i>	<i><u>1920</u></i>
Total with Reduced Flood Risk	530	635	480
<i>Total with Increased Flood Risk</i>	<i>0</i>	<i><u>1820</u></i>	<i><u>1920</u></i>

SOURCE: Stetson Engineers, San Anselmo Flood Risk Reduction Project CEQA Support Conceptual Designs and Supplemental Modeling of Option 2A for Different Layouts of Sunnyside Detention Basin, January 31, 2018; Stetson Engineers, Water Depth Change point GIS data for D30, D31, D33, December 12, 2017

The 10-year Flood Event

During the 10-year event, the Project would reduce the extent of inundation in Fairfax and downtown San Anselmo, as well as reduce the maximum depth of inundation by 17 and 20 inches, respectively. In the Fairfax area, flooding is anticipated to no longer occur in the area north of San Anselmo Creek and east of Bolinas Road. The depth of flooding in other areas of Fairfax would decline by up to 17 inches in locations along Fairfax Creek west of Bolinas Road.

In upper Downtown San Anselmo, the extent of inundation during the 10-year event would generally remain the same in the upstream portion north of San Rafael Avenue, with some reductions in the areas around Nokomis Avenue. Between San Rafael Avenue and Tunstead Avenue, the extent of inundation is substantially reduced. However, even in areas where the 10-year event inundation is not completely eliminated, the depth of inundation would be reduced throughout the area. Inundation depth in areas near San Anselmo Creek north of San Rafael Avenue would decline by up to 20 inches but typically by 6 to 12 inches. Along San Anselmo Avenue, depth of inundation would decrease by up to 18 inches. In lower Downtown San Anselmo, the extent of inundation during the 10-year event would also diminish substantially. Most areas between Pine Street and Fernhill Avenue would no longer be inundated. The extent of inundation surrounding Ross Creek would remain the same. Overall, the depth of inundation in most of downtown San Anselmo would decrease.

The 25-year Flood Event

During a 25-year flood event, the extent and depth of inundation in Fairfax would not substantially change with the Project. In upper downtown San Anselmo, the extent of inundation would remain about the same as without the Project, but the depth of inundation would decrease throughout the area. The largest decline in inundation depth (a 6-inch reduction) would occur in the vicinity of San Rafael and Tamalpais Avenues. A similar decline would occur in most of lower downtown San Anselmo, with the largest depth reduction occurring in areas north of Ross Creek.

While the Project would reduce flood risk on approximately 635 parcels (about 60 percent of parcels currently inundated) during the 25-year flood event, flooding inundation extent or depth would increase on portions of approximately 20 parcels along San Anselmo Creek channel

upstream of the Sir Francis Drake Bridge in the block between Winship Avenue and Sir Francis Drake Boulevard. New inundation of up to approximately 4 inches could occur near the San Anselmo Creek channel in this area, illustrated in **Figure 4.9-7**. The depth of new inundation would taper to about 2 inches midway between Winship Avenue and Sir Francis Drake Boulevard. Removal of 634-636 San Anselmo Avenue would allow more water to remain in the channel, reducing the amount of water that overflows the channel upstream of 634-636 San Anselmo Avenue; this additional water then pools just upstream of Winship Avenue as flows there are constricted by the Winship Bridge.

The 100-year Flood Event

The Project's effects on flooding extent and depth are further reduced during increasingly severe storms. During the 100-year flood event, the Project would not change existing flooding inundation extent in Fairfax, but would slightly reduce inundation depth. Inundation depths in portions of upper downtown San Anselmo would decline by up to 5 inches, but in other areas would remain the same as existing flood conditions or increase slightly. Inundation extent would remain approximately the same as current conditions in both upper and lower downtown San Anselmo. In lower downtown San Anselmo, within areas that are currently inundated during the 100-year storm, the depth of inundation would increase by up to 3 inches east of Sir Francis Drake Boulevard between Barber Avenue and Winship Avenue. As with the 25-year event, the additional inundation in this area is caused by water that would have flowed onto the floodplain in downtown San Anselmo but with the Project instead remains in the channel until being forced out of bank upstream of Winship Bridge. There are approximately 20 parcels in this area of increased inundation depth. Inundation would not occur in any areas not already inundated during the 100-year event.

Summary

Though the Project would result in a net reduction in flooding for the 10-year and 25-year storms, the Project would result in some new flooding downstream of the Project area, upstream of the Sir Francis Drake Bridge and east of Sir Francis Drake Boulevard, and upstream of the Nursery Basin site, during the 25-year storm event. This would be a significant impact.

These are the modeled effects and outcomes of the Project if implemented independently. However, as discussed more fully in Chapter 5, *Growth-Inducing and Cumulative Effects*, several other flow-constraining bridges¹¹ in San Anselmo, Fairfax, and Ross would likely be removed and replaced in the near-term by the respective Towns with improved designs that allow greater flow volumes to pass downstream into Corte Madera Creek (formed at the confluence of San Anselmo Creek and Ross Creek), where the channel has greater capacity. One of these bridges is the Winship Bridge, and its replacement would remove barriers to flow and reduce channel constriction through the reach of San Anselmo Creek upstream to Barber Avenue, where new inundation would occur from the removal of 634-636 San Anselmo Avenue during the 25-year event. Thus, in the expected future condition, there would be no increase in flood inundation levels upstream of Winship Bridge due to the Project.

¹¹ The Azalea Avenue, Nokomis Avenue, Madrone Avenue, Center Blvd-Sycamore Avenue, and Winship Bridge Replacement Projects.

The near-term bridge replacement projects on San Anselmo Creek are part of the Ross Valley Flood Protection and Watershed Program, and their planned implementation is roughly contemporaneous with the Project (ranging from 2019 through 2022). The Ross Valley Flood Protection and Watershed Program also includes replacement of the Sir Francis Drake Bridge, but the timing of that replacement is less certain. The near-term bridge replacement projects are funded jointly by the California Department of Transportation, the Towns of Ross and San Anselmo (which are also the CEQA lead agencies), and by the Flood Control District. They are fully funded and very likely to occur as planned, which would avoid the potentially significant impact associated with increased inundation levels upstream of the Winship Bridge. However, because the Flood Control District cannot fully control implementation of the bridge replacement projects, the Project's impact on downstream flooding remains significant.

Upstream of the Nursery Basin site, during the 25-year event after sufficient sediment deposition behind the diversion structure, new inundation would occur on a portion of one parcel, a significant impact. While annual sediment removal proposed as part of the Project would reduce the volume of sediment accumulated behind the diversion structure, a single storm could produce enough sediment to cause new inundation during that same storm event, and so the Project's impact on upstream flooding remains significant.

While generally the new inundation during the 25-year event would be below the finished first floor elevations of buildings upstream of the Nursery Basin site and upstream of the Sir Francis Drake Bridge, the water surface elevation may surpass first floor elevations in some areas. On parcels where the 25-year event flood would not reach the finished first-floors of any building, the new inundation would not increase risk of damage to property or loss of life. On parcels where the finished first floor elevation would be surpassed, the Flood Control District would implement **Mitigation Measure 4.9-4, Provide Flood Protection to Substantially Affected Areas** to apply flood risk reduction measures at those properties.

Mitigation Measure 4.9-4: Provide Flood Protection to Substantially Affected Areas

For areas upstream and downstream of the Winship Bridge (between Barber Avenue and the Sir Francis Drake Bridge): ~~If the Winship Bridge Replacement Project is not completed prior to construction of the Project, t~~ The Flood Control District shall develop, fund, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event. The flood barriers shall be designed based on hydraulic modeling demonstrating that the flood barriers would protect existing habitable structures on any properties upstream of the Sir Francis Drake Bridge from new inundation during the 25-year event ~~or to any higher degree of protection required for that particular type of measure by applicable building codes.~~ Flood barriers include but are not limited to the following measures:

- Elevation of structures above the 100-year flood elevations
- Basement removal and construction of an addition to contain utilities removed from the basement
- Wet flood proofing of structures, in which, with use of water resistant materials, floodwaters are allowed to enter a structure during a flood event



SOURCE: Stetson, 2018

Map represents simulated changes in inundation depth and extent used to analyze flood impacts at the watershed scale. Model results and map are subject to change. Historical data has shown that the actual change in inundation extent and depth may vary depending upon the characteristics of the rain storm and other factors. Any future design work following the EIR would rely on more comprehensive specific site surveys.

San Anselmo Flood Risk Reduction Project

Figure 4.9-7
Inundation Changes Near Winship Bridge
25 - Year Flood Event: Lower San Anselmo

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- Dry flood proofing of structures
- Berms or flood walls

For areas immediately upstream of the Nursery Basin site: The Flood Control District shall develop, ~~fund~~, and implement flood barriers on properties where existing habitable structures would experience new inundation in a 25-year event.

For both of those locations: The flood barriers would ensure that existing habitable structures would not be inundated by the 25-year event. Upon confirmation of permission by the property owners, the Flood Control District shall implement this measure, including implementing any measures identified in permits required from the California Department of Fish and Wildlife, Regional Water Quality Control Board, or other regulatory agencies. However, the potentially adversely affected parcels are privately owned, and the Flood Control District ~~cannot necessarily~~ is not proposing to require the installation or implementation of flood barriers because without the consent of the property owner(s), who may specifically request that such measures not be implemented. In that case, this Mitigation Measure ~~shall~~ would not be implemented, and the affected parcels may experience an increased level of flood inundation in a 25-year event or larger.

The degree of flood protection provided to an individual property will vary depending on the specifics of the flood barrier selected. For most of the flood barriers, the Flood Control District shall provide protection from the 25-year event. However, pursuant to Marin County building code and associated permitting requirements, any increase in structure elevation must be to an elevation sufficient to raise the finished first floor above the elevation of the 100-year flood event. Therefore, property owners who accept that form of flood barrier would receive assistance to implement 100-year protection.

Funding and Implementation Responsibility (Both Locations): For flood walls or berms at the top-of-bank of San Anselmo Creek or Fairfax Creek on privately owned parcels and with the property owners' permission, the Flood Control District shall fund, design, build, and maintain all aspects of those measures, including their possible future removal if implementation of other flood risk reduction projects renders these flood walls or berms unnecessary as determined by the Flood Control District. For a flood barrier that involves improvements or modifications to privately owned habitable structures covered by Mitigation Measure 4.9-4 (structure elevation, wet proofing, dry proofing, basement removal and construction of an addition to house water heaters, furnaces, and similar home appliances, etc.), the Flood Control District shall fully fund the design and provide funding to the property owner for implementation –that is proportional to the increased flood depth with the project. The funding would be provided to the property owner to implement these modifications or improvements. The property owner would be responsible for construction, implementation, and future maintenance of the structure and any associated flood mitigation measures or improvements.

Significance with Mitigation: Significant and Unavoidable. Mitigation Measure 4.9-4 would be implemented to avoid the potentially adverse effects of flooding resulting from changes to drainage patterns by installing flood barriers to contain the flows within the existing channel such that existing structures on affected parcels would not be flooded during the 25-year event (for areas upstream of the Winship Bridge, this would only occur if the Winship Bridge Replacement project is not completed prior to Project

implementation). The additional flow containment barriers upstream of the Sir Francis Drake Bridge would not cause increased downstream flood risk because the creek channel capacity gets much larger immediately downstream of the Sir Francis Drake Bridge. Flood barriers upstream of the Nursery Basin site would not cause increased downstream flood risk because they would not redirect large volumes of flow back into the channel. Implementation of Mitigation Measure 4.9-4 would have other direct and indirect effects on the physical environment similar to those identified for the Project. These impacts are evaluated in other sections of this EIR and include emissions of criteria air pollutants and toxic air contaminants during construction, activities that could degrade water quality during construction, mortality or injury of special-status species and nesting birds, disturbance of wetlands during construction, and increase in downstream and upstream scour during operations. With implementation of the mitigation measures identified for these impacts in this document, the impacts of Mitigation Measure 4.9-4 would be less than significant. However, in the event that property owner permission to install flood barriers under Mitigation Measure 4.9-4 is not secured, the resultant impact would be significant and unavoidable.

Impact 4.9-5: The Project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows. (*Less than Significant*)

Construction and Operations

The Nursery Basin would not be within a 100-year flood hazard area along Fairfax Creek. It would, however, intentionally impede and redirect flood flows into an FDS basin to reduce downstream flood risk. This is not an adverse effect; rather, it is the intended function of the Project and would reduce risks associated with flooding and/or the unintended redirection of flood flows outside of the existing stream channels. The impact would be less than significant.

The Project would remove structures from a 100-year flood hazard area in downtown San Anselmo. Though this location is within a flood hazard area, the Project would not place structures there, and the impact would be less than significant. Changes in flooding patterns resulting from Project implementation are evaluated in Impact 4.9-4.

As discussed above, the Project would result in an overall net reduction in flooding depths and locations in Ross Valley, although there would be an increase in flood risk in some locations. The Project's redirection of flood flows would not contribute to substantial additional flooding; therefore, the impact would be less than significant.

Mitigation: None required.

Impact 4.9-6: The Project would not directly or indirectly expose people or structures to a significant risk of loss, injury or death involving flooding and other water-related hazards, including flooding as a result of the failure of a levee or dam, or from increased debris deposition. (*Less than Significant*)

The Project would result in a net reduction of the elevation and volume of peak flood flows within, upstream, and downstream of the Project sites. Impacts associated with increased sediment deposition caused by the Project are evaluated in Impact 4.9-3 and are not discussed in this impact. Changes in flooding resulting from alterations of existing drainage patterns are addressed in Impacts 4.9-4 and 4.9-5 and are not discussed in this impact. This impact evaluates the Project's potential to cause flooding as a result of the failure of a levee or dam.

Construction

Project construction would not expose people or structures to a significant risk involving flooding or other water-related hazards, including flooding as a result of the failure of a levee or dam. The Project would not include work that could jeopardize the function or safety of existing dams, levees, or other flood control devices. The Project site and adjacent staging areas for the Downtown San Anselmo Element are located within an existing 100-year flood zone. The staging areas for the construction of the Nursery Basin are not within the 100-year flood zone, although the construction footprint is partially within the Fairfax Creek channel, which could directly expose construction workers to flooding hazards, but is not expected to do so because Project construction at both sites would occur only during the dry season. There are also no dams upstream of the Project area that could expose construction workers to flooding as a result of the failure of a dam. Therefore, the Project would not expose people or structures to a significant flooding risk during Project construction.

Operation

Nursery Basin

Although the Project would not affect existing levees, dams, or other flood control mechanisms, the Nursery Basin would be a flood diversion and storage basin. This basin would temporarily detain peak stormwater during large storms that would otherwise pass downstream within Fairfax Creek and cause downstream flooding. The Nursery Basin would be built alongside Fairfax Creek to store flood flows. The proposed basin and berms would reduce flooding downstream, resulting in storage of water for up to eight hours behind levees in a location where water currently is not stored. The Nursery Basin would thus reduce downstream water-related hazards during large storms.

The existing elevation along the eastern boundary of the Former Sunnyside Nursery site is approximately 230 feet NAVD88. The bottom of the basin would be gently sloped from 226 feet NAVD88 in the west to approximately 224 feet NAVD88 in the east. As described in Chapter 3, *Project Description*, due to the existing topography, no levee would be required on the northern boundary of the basin, and the western boundary would require a low levee of up to approximately 2 feet above existing grade in order for the top of the levee to reach 238 feet NAVD88. The basin and diversion structure would be designed to impound water up to elevation 236 NAVD88. The water surface elevation within the basin thus would not be high enough to spill to the west should the western levee fail. In the unlikely event that the eastern levee fails

during basin operation, the residential area to the east could be inundated by the volume of water in the basin above about 230 NAVD88. This residential area currently is not mapped as within a special flood hazard area or dam inundation area.

The basin's levees, the overflow weir, and the diversion structure would be designed to control and detain flood flows as their primary purpose. Modern flood control facilities are designed and constructed under conservative guidelines and criteria designed to prevent failure. Levee failure can occur when the difference between the hydrostatic pressure on the water side and dry side of the levee leads to seepage of water beneath the levee (also called underseepage). As discussed in Section 4.7, *Geology, Seismicity, Soils, and Paleontological Resources*, the basin and its levee would also be designed and constructed in accordance with federal and state standards and regulations, which include specifications for fill composition, compaction, procedures, and slope limitations that would reduce the risk of damage or failure during or after an earthquake. These standards include:

1. Designing the levee in accordance with the requirements established in Title 44, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10);
2. Performing an engineering analysis of the levee embankment's slope stability in general accordance with the procedures outlined in the California Department of Water Resources' "Urban Levee Design Criteria" (2012), EM 1110-2-1913, Design and Construction of Levees and EM 1110-2-1902, Slope Stability, ER 1110-2-1806 (Earthquake Design and Evaluation for Civil Works Projects, July 1995 - under revision); ER 1110-2-1156 (Safety of Dams - Policy and Procedures – in final review); EM 1110-2-000 (Selection of Design Earthquakes and Associated Ground Motions – in final review); EM 1110-2-6001 (Seismic Analysis of Embankment Dams – incl. levees – ongoing).
3. Perform a seepage analysis general accordance with the procedures outlined in the following USACE documents: EM 1110-2-1913, Design and Construction of Levees, EM-1110-2-1904, Seepage, and ETL 1110-2-569 Design Guidance for Levee Underseepage.

With modern design criteria and construction practices, including the analyses described below, the probability of levee failure is extremely small.

In accordance with modern construction practices, preliminary seepage, stability, and settlement analyses were performed for the levee on the eastern side of the basin and for the diversion structure. Based on these analyses, a shallow seepage wall is included in the Project along the eastern levee to limit underseepage and the potential for piping when the basin is in use. The seepage wall would consist of a vertical layer of compacted soil-bentonite fill approximately 3 feet thick and 7 feet deep along the eastern levee. The seepage wall would reduce underseepage by blocking seepage through a layer of sand (which has relatively high hydraulic conductivity); the base of the seepage wall would be installed within an underlying clay layer, with a relatively low hydraulic conductivity (GEI 2017).

The foundation of the diversion structure would be over-excavated to remove poorly consolidated granular soils, and filled with compacted soils specified for the construction of the diversion structure (GEI 2017). Overexcavation and replacement with compacted, low conductivity fill would reduce the potential for underseepage.

In addition to removing destabilizing material and installing seepage control under the levee and diversion structure, these structures would be designed to withstand seismic hazards and flood hazards. The diversion structure would be designed to allow controlled flow over the structure during basin use (i.e., the 10-year event or anything greater than that). The levee and the diversion structure would also be inspected routinely to identify evidence of seepage (such as sand boils, seepage lines, or rodent burrows) or other deformation.

The Nursery Basin would be designed to avoid water-related hazards in the vicinity of the Nursery Basin. Implementation of the Project would reduce water-related hazards downstream of the Nursery Basin site during large storms.

Downtown San Anselmo

The Downtown San Anselmo Element of the Project would remove an existing commercial structure from the special flood hazard area and would not construct levees or other flood control or water detention facilities; for this reason, the Downtown San Anselmo Element would not result in adverse effects related to this topic.

Summary

Project construction would not expose people or structures to a significant risk involving flooding or other water-related hazards, including flooding as a result of the failure of a levee or dam. The Nursery Basin would include a levee and diversion structure, both of which would be designed and constructed in accordance with federal and state standards and regulations. The Downtown San Anselmo Element would not construct levees or other flood control or water detention facilities. For these reasons, impacts related to flooding as a result of levee or dam failure would be less than significant.

Mitigation: None required.

Impact 4.9-7: The Project would not directly or indirectly cause inundation by seiche, tsunami, or mudflow. (*No Impact*)

Construction and Operation Phases

The Project would not expose people or structures to significant risk from inundation by a tsunami or seiche. The Marin County Emergency Operations Plan states that potential danger from tsunami inundation exists for all areas within one mile of the coast and less than 50 feet above sea level for tsunamis of distant origin, and for all areas within one mile of the coast and less than 100 feet above sea level for tsunamis of local origin (OEMS, 2015). The Project would not alter susceptibility to a tsunami or seiche because it is both inland from the Pacific Ocean and San Francisco Bay coastlines but also over 200 feet above mean sea level. This places it outside of the tsunami inundation zone. The Project elevation would also preclude inundation resulting from extreme high tide and future sea level rise. The Nursery Basin would not be constructed along a fault (as discussed in Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources) and would not be connected to open water; therefore, the Project would not directly or

indirectly cause inundation by seiche. Mudflows and other Project impacts related to soils and geology are addressed in Section 4.7, Geology, Seismicity, Soils, and Paleontological Resources.

Mitigation: None required.

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4.10 Land Use and Planning

This section describes the existing land use in the vicinity of the two San Anselmo Flood Risk Reduction Project (Project) sites and evaluates the potential for Project implementation to result in significant impacts from changes to land use or failure to comply with the land use planning policies in effect in the Project area. This section provides an overview of the physical and regulatory settings that apply to land use planning within the Project area, and presents and discusses potential impacts and identifies appropriate mitigation measures where necessary. The discussion in this section does not include or address land uses associated with agriculture, forestry, mining, or energy production, because those topics are addressed in Chapter 4, Section 4.4, *Energy, Mineral, Forest, and Agricultural Resources*.

4.10.1 Environmental Setting

4.10.1.1 Regional Land Use Setting

The Project would take place at two locations in Marin County. The Downtown San Anselmo site is in the Town of San Anselmo, and the flood diversion and storage basin at the former Sunnyside Nursery site (Nursery Basin) is in unincorporated Marin County, adjacent to the western boundary of the Town of Fairfax.

Both locations are in the Ross Valley Watershed, which is drained by Corte Madera Creek, San Anselmo Creek, Fairfax Creek, and their tributaries. Governmental units in which the Project is located and have jurisdiction over land use and planning are the County of Marin and the Town of San Anselmo. A description of each jurisdiction with land use authority within the Project area is provided below. Based on the former Sunnyside Nursery site's proximity to the boundaries of the Town of Fairfax, information on the Town's land use policies are also presented here for informational purposes.

County of Marin Countywide Plan Land Use

Marin County consists of a mix of both rural and urban areas, with most of the more intensive urban development concentrated along or relatively nearby the U.S. Highway 101 corridor along the eastern portion of the County. The western portion of the County is almost exclusively rural, and is primarily given to agricultural uses; federal, state, and local parklands; and open space areas.

The County adopted its most recent Countywide Plan in 2007 (County of Marin, 2007a). Principal County land use categories as defined in the Countywide Plan that are within and adjacent to the flood diversion and storage basin at the former Sunnyside Nursery site include the following:

Agricultural. Agricultural land use categories (AG 1-3) are established to preserve and protect a variety of agricultural uses, and to enable the potential for agricultural production and diversification. Historically, 60 acres has been the minimum parcel size for most agricultural lands in the county.

Residential. Residential development categories are established at a full range of densities, with an emphasis on providing more affordable housing. The principal Residential category is broken down into several subcategories, including the following residential use category which is adjacent to the Project area:

Rural/Residential. Rural/residential density land use categories (Single-Family 3-4 and Planned Residential with minimum lot sizes of 20,000 square feet to 10 acres) are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

Open Space. Lands in public ownership for open space purposes, such as recreation, and watershed and habitat protection and management, are designated open space. In addition, private lands may be designated open space when subject to deed restrictions or other agreements limiting them to open space and compatible uses.

As part of the Countywide Plan's development, the County was divided into a number of defined "Corridors" within the plan, with the City-Centered Corridor containing most of the urban and built-up development in the County. The City-Centered Corridor is divided into six planning areas, generally based on watersheds. Both the former Sunnyside Nursery site and Downtown San Anselmo site are within the Upper Ross Valley Planning Area, which includes the Towns of Fairfax, Ross, and San Anselmo as well as the unincorporated neighborhoods west and southwest of Sleepy Hollow. **Figure 4.10-1** shows the general land use mix in unincorporated Marin County in the vicinity of the former Sunnyside Nursery site as identified in the Countywide Plan.

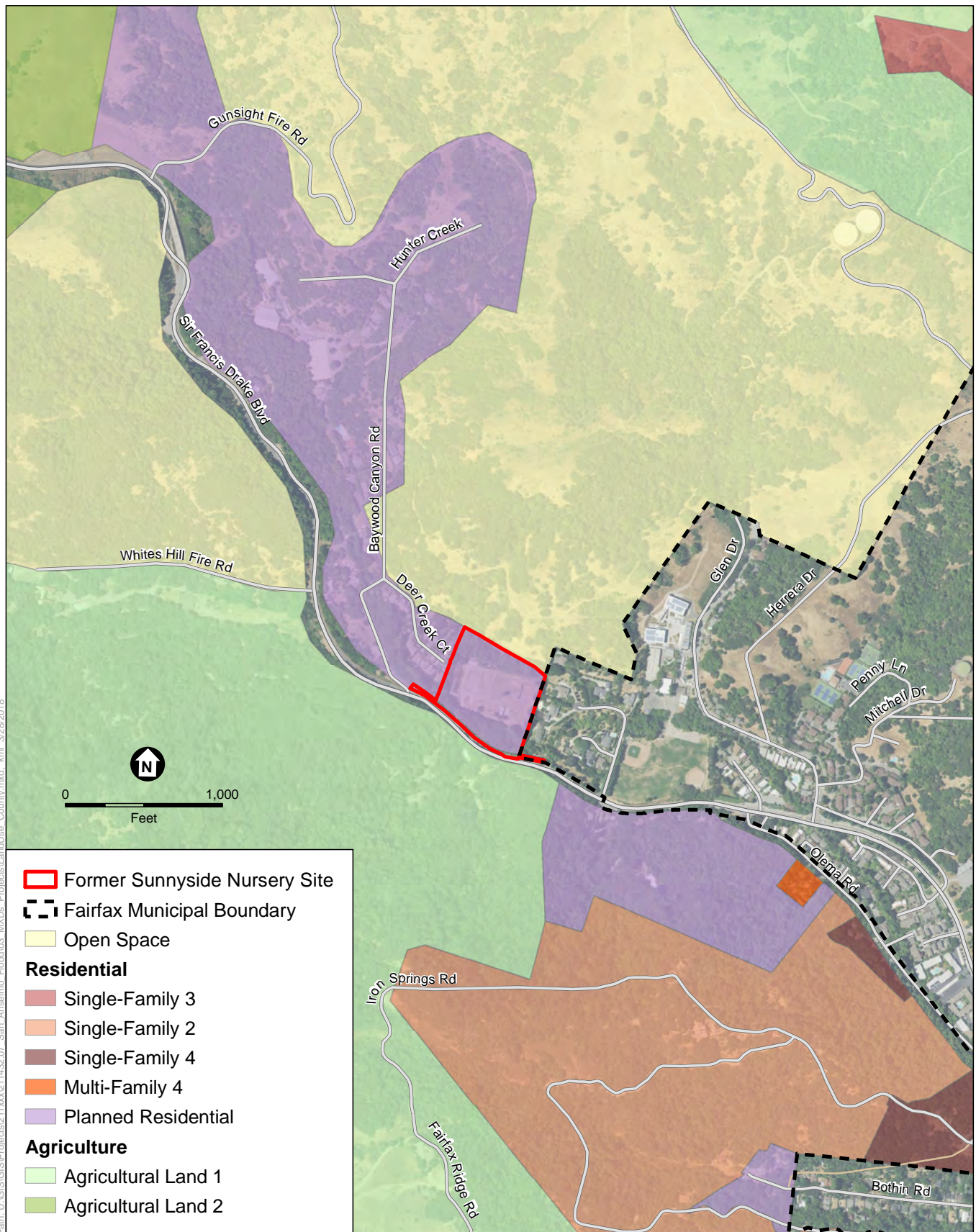
Town of San Anselmo General Plan Land Use

The Town of San Anselmo covers an area of approximately 2.7 square miles, and had a population of 12,336 in 2010 (U.S. Census, 2017). Development within the Town is primarily residential, but there is a substantial area of commercial development in the historic downtown area and along Sir Francis Drake Boulevard and Red Hill Road. San Anselmo is near buildout in terms of its maximum residential development provided for in its General Plan.

The Town of San Anselmo's latest fully adopted General Plan dates from 1988, with amendments as recent as 2015 (Town of San Anselmo, 2015). General Plan land use categories that are within and adjacent to the Downtown San Anselmo site include the following:

Commercial

Central Commercial. This area is located along portions of San Anselmo Avenue and Sir Francis Drake Boulevard between the Hub and Tunstead Avenue. This commercial area is intended to be the retail core of the community. Commercial enterprises in this area are expected to provide a continuity of commercial frontage and attractive area for pedestrian movement. Parking is not anticipated onsite, but would be provided in public or common parking lots within walking distance of all downtown businesses.



SOURCE: Marin Countywide Plan, 2007, amended through 2013

San Anselmo Flood Risk Reduction Project

Figure 4.10-1

Marin Countywide Plan Land Use Designations

Parks and Open Space

Public Parks and Open Space. This land use category designates existing and planned parks, recreation facilities, and natural open space areas. Areas designated as parks are not intended to be developed with anything other than small structures which accommodate the citizens of the community as it relates to recreation. Commercial structures are not allowed in the parks. The parks will only be improved with facilities for which the park was intended (e.g., tennis courts, baseball diamonds, and open playfields).

Figure 4.10-2 shows the general land use mix in the vicinity of the Downtown San Anselmo site identified in the Town of San Anselmo General Plan.

Town of Fairfax General Plan Land Use

Neither of the Project sites are within the jurisdictional boundaries of the Town of Fairfax, but the former Sunnyside Nursery site is immediately adjacent to the Town's western boundary. Therefore, information on the Town's land use designations is presented here for informational purposes.

The Town of Fairfax covers approximately 2.1 square miles and is home to about 7,500 people (Town of Fairfax, 2017). The portion of the Town with the highest development intensity is along Sir Francis Drake Boulevard, which is where most of the Town's commercial uses are located. Residential land uses are on the slopes and canyons that lie on either side of the valley. Much of the Town of Fairfax could be characterized as built-out, with most of the more easily-developed portions of the Town already occupied. Remaining parcels tend to be on slopes or in other areas where development is more challenging.

The Town of Fairfax adopted its most recent General Plan in 2012 (Town of Fairfax, 2012). The General Plan identified three primary land use categories for the Town; Commercial, Residential, and Public/Quasi-Public. The principal land use categories as defined in the Town of Fairfax General Plan that are within and adjacent to the flood diversion and storage basin at the former Sunnyside Nursery site are the following:

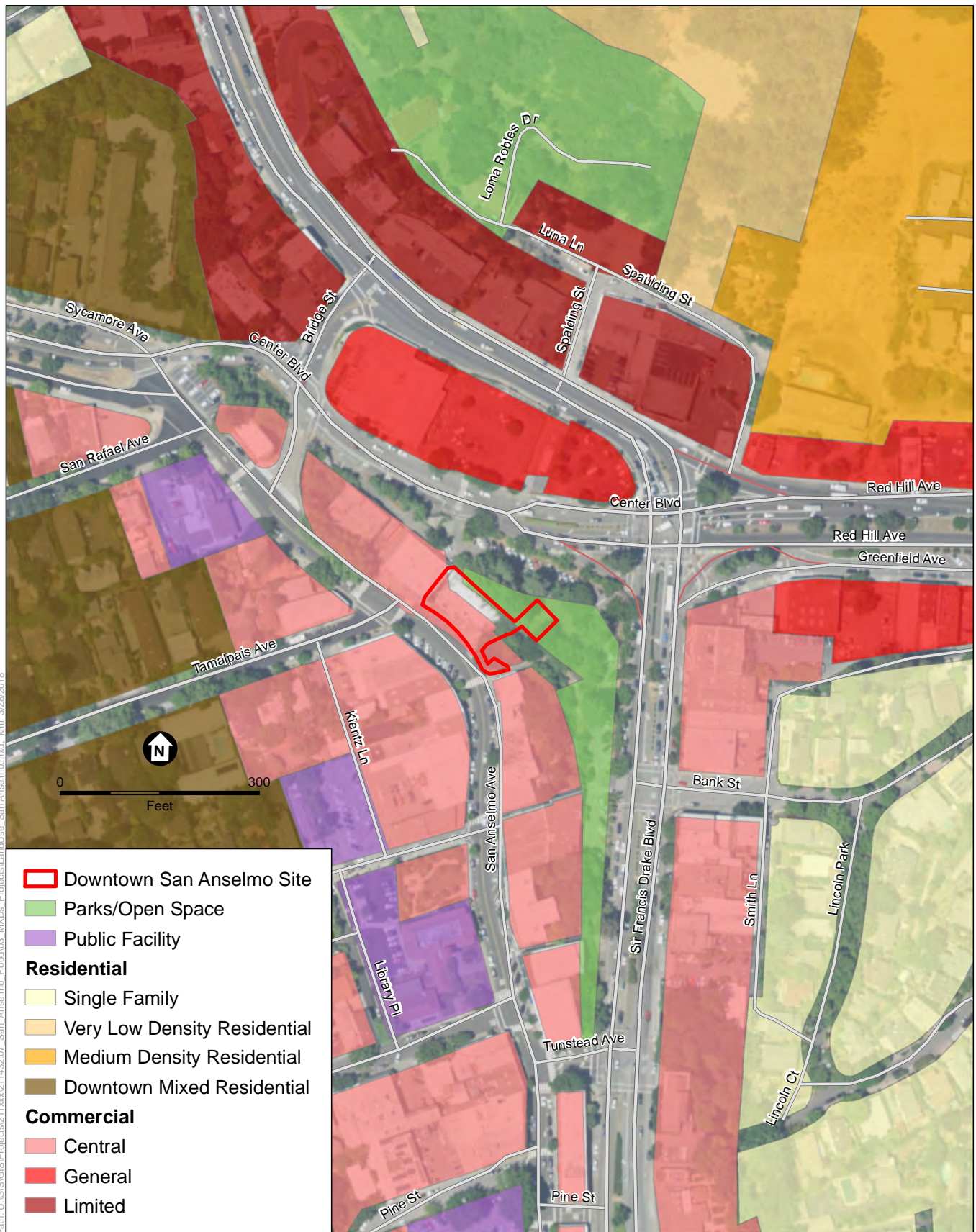
Residential

1. *Residential*: 0.25 dwellings unit/acre
2. *Residential*: 1 to 6 dwellings unit/acre
3. *Planned Development District*: No specific densities prescribed; the primary purpose for this designation is to allow flexibility in the development process while encouraging high quality design.

Public/Quasi-Public

1. *Public/Private Open Space*

Figure 4.10-3 shows the general land use mix in the vicinity of the former Sunnyside Nursery site identified in the Town of Fairfax General Plan.

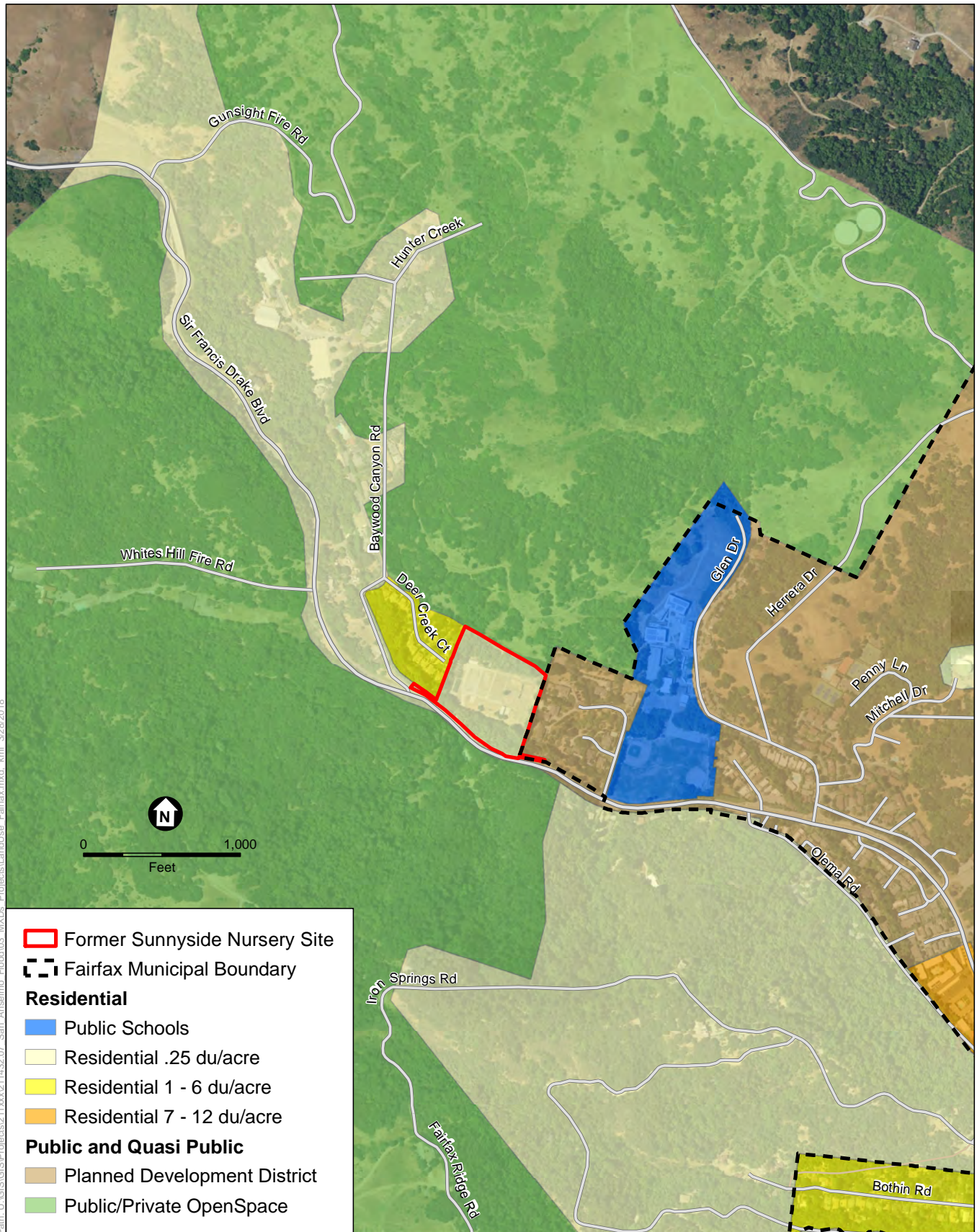


SOURCE: Town of San Anselmo General Plan, amended through 2015

San Anselmo Flood Risk Reduction Project

Figure 4.10-2

Town of San Anselmo General Plan Land Use Designations



SOURCE: Town of Fairfax General Plan, 2010

San Anselmo Flood Risk Reduction Project

Figure 4.10-3

Town of Fairfax General Plan Land Use Designations

4.10.1.2 Project Land Use Setting

Former Sunnyside Nursery Site Flood Diversion and Storage Basin

The former Sunnyside Nursery site is within an unincorporated portion of Marin County, immediately west of the Town of Fairfax. The site is designated under the Countywide Plan as Planned Residential, which is a subcategory established within the Rural/Residential category that provides for minimum lot sizes of 20,000 square feet to 10 acres. These areas are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development. This is the second-lowest density housing designation provided under the Countywide Plan.

Lands to the north of the site are designated as Public/Private Open Space, and are a part of the Loma Alta Open Space Preserve, managed by the Marin County Open Space District. Lands to the south, across Sir Francis Drake Boulevard, are designated as Agricultural, which are lands with resource values for both agricultural production and wetlands and wildlife habitat. Agricultural lands may also have physical constraints, such as heavily wooded hillsides that limit their potential for agricultural production, and deserve protection on the basis of their habitat and visual resource values. Historically, 60 acres has been the minimum parcel size for most agricultural and resource conservation lands in the County.

Lands to the east (in the Town of Fairfax) are designated as a Planned Development District, and were developed in the 1990s with approximately ten homes at a density that is roughly equivalent to the Town's medium-density designation of 1 to 6 dwelling units per acre, with home sizes ranging from around 2,700 square feet up to 4,000 square feet. Lands to the west are designated under the County's Planned Residential designation, and are currently occupied by about a dozen homes constructed in the early 1990s, ranging in size from around 2,500 square feet up to nearly 4,000 square feet.

Downtown San Anselmo

The private commercial building at 634-636 San Anselmo Avenue (formerly known as Bridge Building #2), which is the site of the Downtown San Anselmo Project Element, is within the Town's central commercial district, and it and the parcels to the west, south and east of the site are designated as Central Commercial in the Town's General Plan. To the north of the site lies Creek Park, a Town-managed public park that is designated in the General Plan as Parks/Open Space.

4.10.2 Regulatory Setting

The following laws, statutes, regulations, codes and policies would apply to the Project and are defined as standard conditions for the Project.

4.10.2.1 Federal Regulations

The National Flood Insurance Program (NFIP) provides insurance to property owners, renters, and businesses in communities which agree to adopt and enforce floodplain management regulations. The County of Marin, as well as the Towns of Corte Madera, San Anselmo, and Ross all participate

in the NFIP and the Community Rating System (CRS), a part of the NFIP which recognizes and encourages floodplain management activities that exceed federal standards. To qualify for the NFIP, the communities must adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas (SFHA). The Special Flood Hazard Area for the Project Area was updated in 2014 (FEMA, 2014).

4.10.2.2 State Regulations

State law (Government Code, Section 65300) requires that each county and city, including charter cities, prepare and adopt a comprehensive, long-term general plan for future development. This general plan must contain the following seven elements: (1) land use; (2) circulation; (3) housing; (4) conservation; (5) open space; (6) noise; and (7) safety. Govt. Code Section 65302. Of these, state law mandates that the land use element must correlate with the circulation element. In addition to these, state law permits cities and counties to include optional elements in their general plans; thereby, providing local governments with the flexibility to address the specific needs and unique character of their jurisdictions. California law also requires that the day-to-day decisions of a city or county follow logically from and be consistent with the general plan. More specifically, Government Code Sections 65860, 66473.5, and 66474 require that zoning ordinances and subdivision and parcel map approvals be consistent with the general plan. Goals, objectives, and programs established for each element of the general plan must meet the existing and future needs and desires of the community. These goals, objectives, and programs are specific, action-oriented and promoted during the life of the general plan.

State law (Government Code Section 65402(b)) requires the Marin County Flood Control and Water Conservation District (Flood Control District) to notify cities of its plans to construct projects or acquire extraterritorial property within the city's jurisdiction. Cities then have 40 days to determine project consistency with their general plans. These consistency determinations are advisory to the Flood Control District rather than binding.

Building and zoning ordinances represent the most specific expressions of general plan goals, objectives and policies. State law and judicial interpretation of state law (California Government Code Section 53091 *et seq*) mutually exempt cities and counties from complying with each other's building and zoning ordinances. The Flood Control District, which is a special district in Marin County, is therefore exempt from complying with the building and zoning ordinances of the Towns of San Anselmo and Fairfax. Nonetheless, it is the practice of the Flood Control District to work cooperatively with cities and neighboring communities to avoid conflicts with local land use plans and building and zoning codes.

4.10.2.3 Regional Plans

A number of regional plans have been developed and adopted by San Francisco Bay Area agencies—some individually, some in collaboration with other agencies. These agencies acknowledge a variety of environmental interests in the San Francisco Bay Area in their discussions, analyses, policies, and/or objectives. Some of these plans could be applicable to certain elements of the Project if those elements are proposed in areas under the jurisdiction of

those plans. In addition, regional plans address land uses when they discuss the intensity of development throughout the region. Some regional plans advocate for developing specific areas and conserving other areas, while other plans discuss the impacts of potential future development and other activities on existing natural habitats and resources.

Plan Bay Area – Association of Bay Area Governments

Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. On July 26, 2017, the plan was jointly approved by the Association of Bay Area Governments Executive Board and by the Metropolitan Transportation Commission. The plan includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan and represents the next iteration of a planning process that has been in place for decades. Plan Bay Area marks the nine-county region's first long-range plan to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. Working in collaboration with cities and counties, the plan advances initiatives to expand housing and transportation choices, create healthier communities, and build a stronger regional economy (ABAG and MTC, 2017).

Basin Plan – San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) was founded in 1950 with the purpose of protecting the quality of surface water and groundwater within the San Francisco Bay region for beneficial uses. The State Water Quality Control Board required that the RWQCB develop a Water Quality Control Plan (Basin Plan) for the San Francisco basin, and the first comprehensive Basin Plan was adopted in 1975. The most recent amendment was approved in 2017 (RWQCB, 2017).

The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Basin Plan includes a statement of beneficial water uses that the RWQCB will protect, the water quality objectives needed to protect the designated beneficial water uses, and the implementation plans for achieving the water quality objectives through its regulatory programs. Because land use has a direct impact on the water quality of the basin, including impacts such as stormwater runoff, potential hazardous material spills, and groundwater extraction, the Basin Plan is discussed in this section as well as in several others, where aspects of it are applicable. For more discussion of the Basin Plan, see Section 4.9, Hydrology and Water Quality.

4.10.2.4 Local Plans and Policies

The governmental jurisdictions within the Project area each have goals and policies within their general planning documents that are relevant to the Project. These goals and policies concern discretionary actions related to land use that may have a bearing on implementation of the Project. Some of the goals and policies presented here may overlap with other topical sections of this environmental impact report.

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan are relevant to the Project with respect to land use.

Open Space

Goal OS-2: Preservation of Open Space for the Benefit of the Environment and Marin Residents. Close the gaps in the pattern of protected public open space and private lands where land acquisition or other methods of preservation would create or enhance community separators, wildlife corridors, watershed and baylands protection, riparian corridors, sensitive habitat, or trail connections. Relevant policies:

Policy OS-2.4: Support Open Space Efforts Along Streams. Support efforts to restore, enhance, and maintain natural vegetation and other habitat values along streams in the Baylands and City-Centered corridors. Maintain strict controls and high environmental standards in these zones. Targeted streams and creeks in the Baylands and City-Centered corridors includes Corte Madera Creek.

Community Development

Goal CD-2: Balanced Communities. Maintain balanced communities that house and employ persons from all income groups and provide the full range of needed facilities and services. Relevant policies:

Policy CD-2.8: Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.

Goal CD-4: Coordinate Planning with Other Jurisdictions. Coordinate implementation of the Countywide Plan with community plans and planning efforts by local cities, towns, and special districts, and adjacent counties, as well as regional, State, and federal agencies. Relevant policies:

Policy CD-4.4: Provide a Forum to Monitor Issues of Concern. Provide periodic forums with the cities and towns, other local agencies, and members of the public to engage in discussions on issues of mutual concern, such as more-efficient delivery of services, and to promote the sharing of ideas, information, resources, and best practices for Marin.

Town of San Anselmo General Plan

The following objectives and policies in the Town of San Anselmo General Plan (1988) are relevant to the Project with respect to land use.

Land Use

Objective 2: To preserve and enhance the unique natural and urban characteristics of the community while accommodating suitable new growth.

Policy 2.1: All land use decisions within the Town of San Anselmo and the planning area will take into consideration the protection and preservation of the area's surrounding hillsides, ridges, water courses, and any unique natural habitats.

Objective 7: To protect and preserve those areas of unique natural and visual resources within the planning area.

Policy 7.1: To limit or prohibit development in hazardous areas or areas of high resource value.

Objective 16: To protect the community from danger to life and property caused by flooding.

Policy 16.2: To only allow development within the 100-year floodplain which is consistent with the Town of San Anselmo's adopted Protection of Flood Hazard Areas and Water Course Ordinance.

Policy 16.4: To repair and improve the Town of San Anselmo's storm drainage system to handle existing and projected runoff.

Open Space

Objective 3: To require the preservation of open space on properties to be developed by requiring open space easement for properties.

Policy LU-E.3.1: Memorial Park may not be utilized as a flood detention basin, nor may any non-recreational uses be permitted that adversely affect or reduce the recreational amenities at the Park.

Policy LU-E.3.2: No public land parcel occupied by Memorial Park may be sold or transferred by the Town without approval by the citizens of San Anselmo as part of a general election.

Town of Fairfax General Plan

Neither of the Project sites are within the jurisdictional boundaries of the Town of Fairfax, but the former Sunnyside Nursery site is immediately adjacent to the Town's western boundary. Therefore, Town land use policies that could be relevant to the Project are presented here for informational purposes.

Conservation

Goal CON-3: Watershed and stream management.

Policy CON-3.1.1: Maintain floodwater capacity and promote creek restoration.

Policy CON-3.1.2: The Town of Fairfax shall protect and restore riparian habitat and ensure natural channel process in the San Anselmo Creek and Fairfax Creek watersheds.

Policy CON-3.1.3: Creeks that are channelized shall be restored and/or daylighted to improve aquatic habitat. Creeks in a natural state shall not be channelized even where possible.

Policy CON-4.2.2: Improve town stormwater management through improved assessment, design, and implementation of standard practices as contained in a Storm Drain Master Plan.

Safety

Goal S-2: Minimize risks due to flood hazards.

Policy S-2.1.1: Development and land use decisions will be made using the best available hydrological and flood hazard information.

Policy S-2.1.2: Town codes and ordinances will be enforced and updated as needed to reflect current floodplain-related scientific data and technical standards.

Policy S-2.1.4: Ensure that new developments or substantial improvements are designed to reduce or eliminate future flood damage.

Policy S-2.1.5: The Town of Fairfax will reduce community risk and vulnerability to flooding by maintaining and improving creek and hillside drainage systems.

Policy S-2.1.7: The Town will actively support watershed-based planning efforts.

Policy S-2.1.8: The Town will evaluate flood reduction proposals to determine the most technically feasible, cost-effective, and environmentally sound methods of reducing community and watershed based flooding.

Marin County Flood Control and Water Conservation District

The Marin County Public Works Department maintains the public infrastructure of Marin County, including its roads, bridges, flood channels, and natural creeks. The Flood Control District is a separate political entity from Marin County which works to reduce the risk of flooding for the protection of life and property while utilizing sustainable practices. The Flood Control District aims to meet this mission through effective, transparent, and responsive planning, design, construction, operation, and maintenance of facilities such as stormwater pump stations, detention basins, bypass drains, creeks, ditches, and levees. All Project elements would be designed to comply with the Flood Control District's own policies and – whenever practicable – to be consistent with County policies and ordinances.

The Ross Valley Flood Protection and Watershed Program (Program) is a regional effort led by the Flood Control District. The overall objective of the Program is to substantially reduce the frequency and severity of flooding throughout the Ross Valley Watershed in an economically viable manner while prioritizing public safety and minimizing environmental impacts. The San Anselmo Flood Risk Reduction Project is a part of the Program and would be implemented to work toward the objectives of the Program.

4.10.3 Impacts and Mitigation Measures

4.10.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist), and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:

- a. Physically divide an established community;
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan;

- d. Convert prime agricultural land to non-agricultural use or impair the productivity of prime agricultural land;
- e. Convert open space into urban or suburban scale development;
- f. Result in impacts arising from incompatible land uses; or
- g. Substantially alter the character or functioning of a community, or present or planned use of an area.

The following significance criteria are not discussed in this Land Use and Planning section but are discussed in other impact discussion in this EIR:

- a. Item c, regarding conflict with any applicable habitat conservation plan or natural community conservation plan is addressed in Section 4.5 Biological Resources.
- b. Item d, regarding converting prime agricultural land to non-agricultural use or impairing the productivity of prime agricultural land is addressed in Section 4.4 Energy, Mineral, Forest, and Agricultural Resources)

Finally, due to the nature of the Project, there would be no impacts related to converting open space into urban or suburban scale development. The Project would not make those types of land conversions; therefore, there is no impact, and this topic is not discussed further.

4.10.3.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to changes in land use and land use impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation and maintenance) impacts of the Project on land use. This analysis considers the Project's potential to physically divide a community by removing or creating new facilities and operations that affect established land uses. Regarding consistency with land use plans and policies, the analysis compares the Project to policies of relevant land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. Impacts are assessed based on changes to the existing conditions described earlier in this section.

4.10.3.3 Impacts and Mitigation Measures

Impact 4.10-1: The Project would not physically divide an established community.
(*No Impact*)

Nursery Basin

The Nursery Basin site is adjacent to Fairfax Creek, which by its nature serves as a barrier to crossing except in locations where bridges are provided. In addition, the Nursery Basin site had been privately owned for many years prior to its recent acquisition by the Flood Control District, and therefore has had restricted public access across the site to other properties lying adjacent to it. The Nursery Basin would be similarly restricted with respect to public access, so those existing conditions would remain unchanged. Regardless, the site does not currently divide an established community, and would not do so in the future, because its northern boundary abuts public open

space, and its southern boundary abuts Sir Francis Drake Boulevard, with a small number of homes to the east and west, and additional open space beyond. The Project would not alter existing means of access to those areas, and the residential areas to the west and east of the Project area would retain the existing access points to and from adjacent areas that they currently have. These existing conditions would remain unchanged with respect to the physical division of the community. Therefore, there would be no impact.

Downtown San Anselmo

The private commercial building at 634-636 San Anselmo Avenue that would be removed as part of the Project currently spans San Anselmo Creek between San Anselmo Avenue and the parking area for Creek Park. San Anselmo Creek itself passes through the middle of the Town, and acts as a barrier to movement in those portions of its channel where it is not spanned by buildings, roadways, or bridges. In this portion of the Town, however, most stretches along the creek are covered over with various types of structures, some of which allow public access across the creek. For instance, approximately 75 feet south (downstream) of the site, a pedestrian bridge provides access across the creek between San Anselmo Avenue and Creek Park. Immediately north (upstream) from the site, another walkway crosses the creek. With implementation of the Project, all existing crossing points would remain in place, and conditions would remain unchanged with respect to the physical division of the community. Therefore, there would be no impact.

Mitigation: None required.

Impact 4.10-2: The Project would not conflict with local land use plans. (*Less than Significant*)

Construction activities associated with the two Project elements would be temporary activities and would not create a permanent change in land use. There would therefore be no conflict with the land use portions of local plans as a result of construction activities. (The various physical effects of construction are analyzed throughout this EIR.) Therefore, the following discussion is limited to the operational (post-construction) phase of the Project.

The discussions of plan consistency below have been prepared in accordance with the State CEQA *Guidelines*, Appendix G (Environmental Checklist), and with Appendices K and N in Marin County's Environmental Review Guidelines. Whether the project is consistent with particular plans will be determined at the time of project approval by the agency charged with making that consistency determination.

The Town of San Anselmo would likely serve as a Responsible Agency for purposes of CEQA, and would act in that role in its consideration of the discretionary approvals associated with implementation of Project elements in its area of control (i.e., the removal of the building at 634-636 San Anselmo Avenue and associated changes to San Anselmo Creek in downtown San Anselmo). As defined in State CEQA *Guidelines* Section 15381, Responsible Agencies include all agencies other than the Lead Agency which have discretionary approval power over a project.

Agencies of the Town would comply with CEQA for its portions of the Project by considering this EIR and any other subsequent environmental documents prepared by the Flood Control District and by reaching their own conclusions on whether and how to approve the Project elements under their control, as described in State CEQA *Guidelines* Section 15096. In so doing, the applicable agency or jurisdiction would be required to consider if the project elements would conflict with its own land use plans or policies before it could approve that portion of the project lying within their area of control.

Former Sunnyside Nursery Site

The former Sunnyside Nursery site is within an unincorporated area of the County, and is thus subject to the land use policies contained within the Countywide Plan. Relevant Countywide Plan goals and policies were listed previous in Section 4.10.2, *Regulatory Setting*. **Table 4.10-1**, below, lists the relevant policies, and provides a rationale and a determination as to whether or not the Project would conflict with those policies.

TABLE 4.10-1
POLICIES OF THE COUNTY OF MARIN COUNTYWIDE PLAN

Policy	Analysis
Policy OS-2.4: Support Open Space Efforts Along Streams. Support efforts to restore, enhance, and maintain natural vegetation and other habitat values along streams in the Baylands and City-Centered corridors. Maintain strict controls and high environmental standards in these zones. Targeted streams and creeks in the Baylands and City-Centered corridors includes Corte Madera Creek.	The Nursery Basin would modify an area of open space immediately adjacent to Fairfax Creek, and would facilitate effective flood risk reduction without substantially negatively impacting natural vegetation and other valued riparian characteristics; the design of the diversion structure in Fairfax Creek includes a permanently open gate and a low-flow channel to allow constant flows and stream habitat connectivity. The Project would not conflict with this policy.
Policy CD-2.8: Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.	Construction of the Nursery Basin would effectively disallow the development of housing or other structures on the site. The basin would provide enhanced levels of flood risk reduction for existing developments further downstream. In addition, the basin would be constructed in a manner that would not negatively impact existing natural vegetation or other valued riparian characteristics. Finally, the basin is not within a special flood-hazard zone. The Project would not conflict with this policy.
Policy CD-4.4: Provide a Forum to Monitor Issues of Concern. Provide periodic forums with the cities and towns, other local agencies, and members of the public to engage in discussions on issues of mutual concern, such as more-efficient delivery of services, and to promote the sharing of ideas, information, resources, and best practices for Marin.	The Nursery Basin has been conceived through the collaborative efforts of the County and area municipalities. The basin would assist with delivering effective flood management to all downstream jurisdictions. The Project would not conflict with this policy.

SOURCES: Marin County, *Marin Countywide Plan*, November 6, 2007.

The site is not within the jurisdictional boundaries of the Town of Fairfax, but it is very close to the Town's western boundary. Accordingly, Town land use policies that could be relevant to the Project are presented here in **Table 4.10-2** for informational purposes.

**TABLE 4.10-2
POLICIES OF THE TOWN OF FAIRFAX GENERAL PLAN**

Policy	Analysis
Policy CON-3.1.1: Maintain floodwater capacity and promote creek restoration.	The Project would not just maintain, but would enhance floodwater capacity, and would do so in a manner that would not degrade existing creek conditions. The Project would not conflict with this policy.
Policy CON-3.1.2: The Town of Fairfax shall protect and restore riparian habitat and ensure natural channel process in the San Anselmo and Fairfax Creek watersheds.	The Project would enhance floodwater capacity, and would do so in a manner that would not degrade existing creek conditions. The Project would not conflict with this policy.
Policy CON-3.1.3: Creeks that are channelized shall be restored and/or daylighted to improve aquatic habitat. Creeks in a natural state shall not be channelized even where possible.	The Project would not channelize existing waterways, and would enhance floodwater capacity in a manner that would not degrade existing creek conditions. The Project would not conflict with this policy.
Policy CON-4.2.2: Improve town stormwater management through improved assessment, design, and implementation of standard practices as contained in a Storm Drain Master Plan.	The Project would improve stormwater management, and would do so in a manner that would be consistent with applicable plans and regulatory requirements. The Project would not conflict with this policy.
Policy S-2.1.1: Development and land use decisions will be made using the best available hydrological and flood hazard information.	The Project would be designed based on the best available information. The Project would not conflict with this policy.
Policy S-2.1.2: Town codes and ordinances will be enforced and updated as needed to reflect current floodplain-related scientific data and technical standards.	The Project would be consistent with applicable plans and regulatory requirements. The Project would not conflict with this policy.
Policy S-2.1.4: Ensure that new developments or substantial improvements are designed to reduce or eliminate future flood damage.	The Project would improve stormwater management and decrease flood damage, and would do so in a manner that would not conflict with applicable plans and regulatory requirements. The Project would not conflict with this policy.
Policy S-2.1.5: The Town of Fairfax will reduce community risk and vulnerability to flooding by maintaining and improving creek and hillside drainage systems.	The Project would improve creek drainage systems and would reduce community risk and vulnerability to flooding. The Project would not conflict with this policy.
Policy S-2.1.7: The Town will actively support watershed-based planning efforts.	The Project is consistent with and being developed and planned in cooperation with the Ross Valley Watershed and Flood Protection Program, which is a watershed-wide planning effort aimed at reducing flood risk and vulnerability throughout the basin. The Project would not conflict with this policy.
Policy S-2.1.8: The Town will evaluate flood reduction proposals to determine the most technically feasible, cost-effective, and environmentally sound methods of reducing community and watershed based flooding.	The Project is consistent with and being developed and planned in cooperation with the Ross Valley Watershed and Flood Protection Program, which is a watershed-wide planning effort aimed at reducing flood risk and vulnerability throughout the basin. Project elements have been evaluated for feasibility with respect to cost and effectiveness. The Project would not conflict with this policy.

SOURCES: Town of Fairfax, *Town of Fairfax 2010 – 2030 General Plan*, 2012. Available online at http://www.town-of-fairfax.org/html/gpac_progress.html. Accessed on June 22, 2017.

Downtown San Anselmo Site

The private commercial building at 634-636 San Anselmo Avenue that would be removed as part of the Project is within the Town of San Anselmo, and is subject to the land use policies contained within the Town's General Plan. Relevant General Plan goals and policies were listed previously in Section 4.10.2, Regulatory Setting. **Table 4.10-3**, below, lists the relevant policies, and provides a rationale as to whether or not the Project would conflict with those policies.

**TABLE 4.10-3
POLICIES OF THE TOWN OF SAN ANSELMO GENERAL PLAN**

Goal/Policy	Analysis
Policy 2.1: All land use decisions within the Town of San Anselmo and the planning area will take into consideration the protection and preservation of the area's surrounding hillsides, ridges, water courses, and any unique natural habitats.	The Project would enhance floodwater capacity, and would do so in a manner that would not degrade existing creek conditions or conditions in unique habitats. The Project would not conflict with this policy.
Policy 7.1: To limit or prohibit development in hazardous areas or areas of high resource value.	The existing building that would be removed as part of the Project currently presents a hazard under flooding conditions. Removal of the structure, as proposed under the Project, would improve this existing hazardous condition. The Project would not conflict with this policy.
Policy 16.2: To only allow development within the 100-year floodplain which is consistent with the Town of San Anselmo's adopted Protection of Flood Hazard Areas and Water Course Ordinance.	The existing building that would be removed as part of the Project currently presents a hazard under flooding conditions. Removal of the structure, as proposed under the Project, would improve this existing hazardous condition. The Project would not conflict with this policy.
Policy 16.4: To repair and improve the Town of San Anselmo's storm drainage system to handle existing and projected runoff.	The existing building that would be removed as part of the Project currently presents a hazard under flooding conditions. Removal of the structure, as proposed under the Project, would improve this existing hazardous condition. The Project would not conflict with this policy.
Policy LU-E.3-1: Memorial Park may not be utilized as a flood detention basin, nor may any non-recreational uses be permitted that adversely affect or reduce the recreational amenities at the Park.	The Project is not within Memorial Park; therefore the Project would not conflict with this policy.
Policy LU-E.3.2: No public land parcel occupied by Memorial Park may be sold or transferred by the Town without approval by the citizens of San Anselmo as part of a general election.	The Project is not within Memorial Park; therefore the Project would not conflict with this policy.

SOURCES: Town of San Anselmo, *Town of San Anselmo General Plan*, Last amended November 3, 2015. Available online at <http://www.townofsananselmo.org/index.aspx?NID=79>. Accessed on June 25, 2017.

As shown in the preceding tables, the Project would not conflict with policies contained in the Marin Countywide Plan. In addition, the Project would not conflict with policies in the Town of San Anselmo General Plan.

Therefore, the Project's impact with respect to potential conflicts with applicable land use plans would be less than significant.

Mitigation: None required.

Impact 4.10-3: The Project would not substantially alter the character or functioning of a community, or conflict with present or planned use of an area. (*Less than Significant*)

All Project Elements

This topic is directly related to the analysis presented under Impacts 4.10-1 and 4.10-2 above. The flood risk reduction elements proposed as part of the Project would generally occur within

existing flood channels or in similar areas where similar uses are already present. The proposed improvements would occur in areas where a similar use (i.e., a creek drainage) are already present, and the improvements would not conflict with the land use plans that have already been envisioned for the area.

The Nursery Basin would be built on the site of a former commercial nursery and in an adjacent portion of Fairfax Creek. The Nursery Basin site has no connectivity with the surrounding land uses, and is generally not visible from the surrounding areas (see Section 4.2 *Aesthetics* for a discussion of the visibility of this site from Sir Francis Drake Boulevard and from the Loma Alta Open Space District trail to the north). The construction of the Nursery Basin and its associated diversion structure would be a change in land use but one that would not alter the existing character or function of the community. It is currently not a publicly-accessible parcel of land, and that would not change. The removal of the building at 634-636 San Anselmo Avenue and its flow-restricting foundational structure in downtown San Anselmo would likely be a noticeable change in that neighborhood. But the removal of a single building and the resultant changes in the community's function and character would not be substantial. Implementation of the Project would improve the functioning of the community by reducing the potential for flooding. For these reasons, this impact would be less than significant.

Mitigation: None required.

4.10.4 References – Land Use and Planning

Association of Bay Area Governments and Metropolitan Transportation Commission, *Plan Bay Area*, adopted July 26, 2017. Available online at http://2040.planbayarea.org/cdn/farfuture/u_7TKELkH2s3AAiOhCyh9Q9QIWEZIdYcJzi2QDCZuIs/1510696833/sites/default/files/2017-11/Final_Plan_Bay_Area_2040.pdf.

California Regional Water Quality Control Board - San Francisco Bay Region, *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, Oakland, California, May 2017.

Marin County, *Marin Countywide Plan*, November 6, 2007.

San Francisco Bay Conservation and Development Commission, *San Francisco Bay Plan*, (As Amended), 2008. Available online at http://www.bcdc.ca.gov/plans/sfbay_plan.html. Accessed on February 28, 2018.

Town of Fairfax, *Town of Fairfax 2010 – 2030 General Plan*, 2012. Available online at http://www.town-of-fairfax.org/html/gpac_progress.html. Accessed June 22, 2017.

Town of Fairfax, *About Fairfax*, 2017. Available online at http://www.town-of-fairfax.org/html/about_fairfax.html. Accessed on February 28, 2018.

Town of San Anselmo, *Town of San Anselmo General Plan*, last amended November 3, 2015. Available online at <http://ca-sananselmo2.civicplus.com/documentcenter/view/5210>. Accessed on February 28, 2018.

4.11 Noise

This section evaluates the potential noise and vibration impacts associated with construction and operation of the San Anselmo Flood Risk Reduction Project (Project). This section describes the existing noise environment and identifies nearby sensitive receptors, presents relevant local noise ordinances and standards, and evaluates the potential for the Project to result in noise and vibration impacts. This section focuses on noise and vibration impacts on humans and structures.

The analysis included in this section was developed based on Project-specific construction and operational features, and data provided in the *Marin Countywide Plan*, *Town of Fairfax's 2010 General Plan*, *Town of San Anselmo General Plan*, the Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment, and the Federal Highway Administration's Roadway Construction Noise Model.

4.11.1 Fundamentals of Noise

4.11.1.1 Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air). Noise is generally defined as unwanted sound (i.e., loud, unexpected, or annoying sound). Acoustics is defined as the physics of sound. In acoustics, the fundamental scientific model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determine the sound level and characteristics of the noise perceived by the receiver. Acoustics addresses primarily the propagation and control of sound.

4.11.1.2 Frequency

The number of sound pressure peaks travelling past a given point in a single second is referred to as the frequency, expressed in cycles per second or Hertz (Hz). A given sound may consist of energy at a single frequency (pure tone) or in many frequencies over a broad frequency range (or band). Human hearing is generally affected by sound frequencies between 20 Hz and 20,000 Hz.

4.11.1.3 Amplitude

The amplitude of pressure waves generated by a sound source determines the perceived loudness of that source. Sound pressure amplitude is measured in micro-Pascals (μPa). One μPa is approximately one hundred billionths of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 μPa to 100,000,000 μPa . Because of this huge range of values, sound is rarely expressed in terms of pressure. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB). The threshold of human hearing (near total silence) is approximately 0 dB which corresponds to 20 μPa .

4.11.1.4 Addition of Decibels

Because dBs are logarithmic units, SPL cannot be added or subtracted through ordinary arithmetic means. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two sources are each producing sound of the same magnitude, the resulting sound level at a given distance would be approximately 3 dB higher than one of the sources under the same conditions. For example, if one automobile produces an SPL of 70 dB when it passes an observer, two cars passing simultaneously would not produce 140 dB – rather they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level of approximately 5 dB louder than one source, and ten sources of equal loudness together produce a sound level of approximately 10 dB louder than the single source.

4.11.1.5 A-Weighted Decibels

Figure 4.11-1 illustrates sound levels associated with common sound sources. The perceived loudness of sound is dependent on many factors, including magnitude and frequency. However, within the usual range of environmental sound levels, perception of loudness is relatively predictable, and can be approximated by frequency filtering using the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the dBA sound level has become the standard descriptor for environmental noise assessment. All noise levels reported in this section are expressed as A-weighted levels.

4.11.1.6 Human Response to Changes in Noise Levels

As discussed above, doubling sound energy results in a 3 dB increase in sound. However, for a given sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different than what is measured.

Under controlled conditions in a laboratory setting, the trained, healthy human ear is able to discern 1 dBA changes in sound levels when exposed to steady, single-frequency (“pure-tone”) signals in the mid-frequency range (1,000 Hz to 8,000 Hz). In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 6-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness. Therefore, a doubling of sound energy that would result in a 3-dB increase in SPL would generally be perceived as barely detectable. Refer to **Table 4.11-1** for the approximate relationship between increases in environmental noise level and human perception.

NOISE LEVEL		
COMMON OUTDOOR ACTIVITIES	(dBA)	COMMON INDOOR ACTIVITIES
	110	Rock band
Jet flyover at 1,000 feet	100	
Gas lawnmower at 3 feet	90	
Diesel truck at 50 feet at 50 mph	80	Food blender at 3 feet
Noisy urban area, daytime	70	Garbage disposal at 3 feet
Gas lawnmower at 100 feet	60	Normal speech at 3 feet
Commercial area	50	Large business office
Heavy traffic at 300 feet	40	Dishwasher in next room
Quiet urban daytime	30	Theater, large conference room (background)
Quiet urban nighttime	20	Library
Quiet suburban nighttime	10	Bedroom at night, concert hall (background)
Quiet rural nighttime	0	Broadcast/recording studio

SOURCE: Caltrans, 2013

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Figure 4.11-1
Typical Noise Levels

TABLE 4.11-1
APPROXIMATE RELATIONSHIP BETWEEN INCREASES IN
ENVIRONMENTAL NOISE LEVEL AND HUMAN PERCEPTION

Noise level increase, dBA	Human perception (typical)
up to about 3	generally not perceptible
about 3	barely perceptible
about 6	distinctly noticeable
about 10	twice as loud
about 20	four times as loud

SOURCE: Egan, *Architectural Acoustics*, McGraw-Hill, Inc., 1988.

4.11.1.7 Noise Descriptors

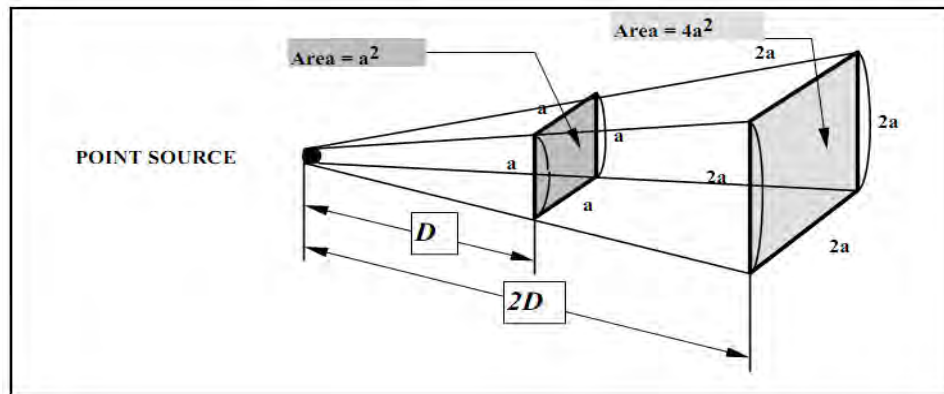
Noise in our daily environments fluctuates over time. Some fluctuations are minor, but some are substantial. Some noise levels occur in regular patterns, but others are random. Some noise levels fluctuate rapidly, but others slowly. Some noise levels vary widely, but others are relatively constant. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors most commonly used in environmental noise analysis, and are applicable to this study:

1. **Equivalent Sound Level (L_{eq}):** The L_{eq} represents an average of the sound energy occurring over a specified time period. In effect, the L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound that actually occurs during the same period. The 1-hour, A-weighted L_{eq} level is the energy average of dBAs occurring during a 1-hour period.
2. **Maximum Sound Level (L_{max}):** The L_{max} is the highest instantaneous sound level measured during a specified period.
3. **Minimum Sound Level (L_{min}):** The L_{min} is the lowest instantaneous sound level measured during a specified period.
4. **Day-Night Average Level (L_{dn}):** The L_{dn} is the energy-average of dBAs occurring over a 24-hour period, with a 10-dB “penalty” applied to dBAs occurring during nighttime hours (10:00 p.m. to 7:00 a.m.).
5. **Community Noise Equivalent Level (CNEL):** Similar to the L_{dn} , the CNEL is the energy average of A weighted sound levels over a 24-hour period with a 5-dB penalty added for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dB penalty between the hours of 10:00 p.m. and 7:00 a.m.

4.11.1.8 Sound Propagation

Sound from a localized source (i.e., point source) propagates uniformly outward in a spherical pattern; therefore, this type of propagation is called spherical spreading. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source as its energy is continuously spread out over a spherical surface (see **Figure 4.11-2** for an illustration of spherical spreading of noise from a point source). Point sources of noise, such as stationary equipment or on-site construction equipment, attenuate (lessen) at a rate of 6.0 dB per doubling of

distance from the source. Noise attenuation from a point source increases by 1.5 dB from 6.0 dB to 7.5 dB for each doubling of distance due to ground absorption and reflective wave canceling. These factors are collectively referred to as *excess ground attenuation*. The basic geometric spreading loss rate is used where the ground surface between a noise source and a receiver is reflective, such as parking lots or a smooth body of water. The excess ground attenuation rate (7.5 dB per doubling of distance) is used where the ground surface is absorptive, such as soft dirt, grass, or scattered bushes and trees.



SOURCE: California Department of Transportation (Caltrans), *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013a.

Figure 4.11-2
Point Source Spreading with Distance

Widely distributed noises such as a street with moving vehicles (a “line” source) would typically attenuate at a lower rate of approximately 3.0 dB for each doubling of distance between the source and the receiver. If the ground surface between source and receiver is absorptive rather than reflective, the nominal rate increases to 4.5 dB for each doubling of distance. Atmospheric effects, such as wind and temperature gradients, also can influence noise attenuation rates from both line and point sources of noise. However, unlike ground attenuation, atmospheric effects are constantly changing and difficult to predict.

Trees and vegetation, buildings, and/or barriers between a source and receiver reduce the noise level that would otherwise occur at a given receptor. However, for a vegetative strip to have a noticeable effect on noise levels, it must be dense and wide. For example, a stand of trees must be at least 100 feet wide and dense enough to completely obstruct a visual path to the roadway to attenuate traffic noise by 5 dB (Caltrans, 2013a). A row of structures can shield more distant receivers depending upon the size and spacing of the intervening structures and site geometry. Similar to vegetative strips discussed above, noise barriers, which include natural topography and soundwalls, reduce noise by blocking the line of sight between the source and receiver. Generally, a noise barrier that breaks the line of sight between source and receiver will provide at least a 5-dB reduction in noise.

4.11.1.9 Vibration

Vibration is an oscillatory motion through a solid medium in which the motion’s amplitude can be described in terms of displacement, velocity, or acceleration. Several descriptors are typically used

to quantify the amplitude of vibration including peak particle velocity (PPV) and root mean square velocity. PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave and is typically expressed in units of inches per second (in/sec). The PPV is most frequently used to describe vibration impacts on buildings. Root mean square velocity is defined as the average of the squared amplitude of the signal, usually measured in decibels referenced to 1 microinch/second and are reported as VdB. The decibel notation acts to compress the range of numbers required to describe vibration (FTA, 2006). VdB vibration velocity amplitudes are used to evaluate human response to vibration. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows. In suburban environments, such as the Project area, sources of groundborne vibration include construction activities and heavy trucks and buses. Typically, groundborne vibration generated by human-made activities attenuates rapidly with distance from the source of the vibration.

Groundborne vibration can be annoying to people. The primary effect of perceptible vibration is often a concern. However, secondary effects, such as the rattling of a china cabinet, can also occur, even when vibration levels are well below perception. Any effect (primary perceptible vibration, secondary effects, or a combination of the two) can lead to annoyance. The degree to which a person is annoyed depends on the activity in which they are participating at the time of the disturbance. For example, someone sleeping or reading will be more sensitive than someone who is running on a treadmill. Reoccurring primary and secondary vibration effects often lead people to believe that the vibration is damaging their home, although vibration levels can be well below minimum thresholds for damage potential. Vibration generated by construction activity has the potential to damage structures. This damage could be structural damage, such as cracking of floor slabs, foundations, columns, beams, or walls, or cosmetic architectural damage, such as cracked plaster, stucco, or tile.

4.11.1.10 Construction Vibration

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans. The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec, PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level. Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the

building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure is in a high state of disrepair and the construction activity (e.g., impact pile driving) occurs immediately adjacent to the structure.

Table 4.11-2 displays the human reactions and effects on buildings that can be caused by various continuous vibration levels. As discussed previously, annoyance is a subjective measure and vibrations may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations at the threshold of perception can be annoying.

TABLE 4.11-2
APPROXIMATE REACTION OF PEOPLE AND DAMAGE TO BUILDINGS FROM CONSTRUCTION VIBRATION LEVELS

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings
0.5	Severe – vibrations considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

SOURCE: Caltrans, *Transportation and Construction Vibration Guidance Manual*, September 2013b.

4.11.2 Physical Setting

4.11.2.1 Sensitive Receptors

Human response to noise varies considerably from one individual to another. Effects of noise at various levels can include interference with sleep, concentration, and communication, and can cause physiological and psychological stress and hearing loss. Given these effects, some land uses are considered more sensitive to noise levels than others due to the duration and nature of time people spend at these uses. In general, residences are considered most sensitive to noise as people spend extended period of time in them including the nighttime hours. Therefore, noise impacts to rest and relaxation, sleep, and communication are highest at residential uses. Schools, hotels, hospitals, nursing homes, and recreational uses are also considered to be more sensitive to noise as activities at these land uses involve rest and recovery, relaxation and concentration, and increased noise levels tend to disrupt such activities. Places such as churches, libraries, and cemeteries, where people tend to pray, study, and/or contemplate, are also sensitive to noise but due to the limited time people spend at these uses, impacts are usually tolerable. Commercial and industrial uses are considered the least noise-sensitive.

Near the former Sunnyside Nursery site (which is where the flood diversion and storage basin referred to in this document as “the Nursery Basin” would be constructed), the sensitive receptors

are single-family residences and White Hill Middle School. The closest single-family residences have backyards immediately adjacent to the Project site's western and eastern boundaries. These single-family buildings are as close as 25 feet from the property line of the Project site. The White Hill Middle School is approximately 650 feet northeast of the Nursery Basin site.

The Downtown San Anselmo site, which includes the demolition of the building at 634-636 San Anselmo Avenue (sometimes referred in design documents and elsewhere as Building Bridge #2) and associated creek capacity improvements, is surrounded by single-family, multi-family, and commercial uses. The single- and multi-family residences are west, northwest, and southwest of the site. The nearest sensitive receptor is a single-family residence approximately 235 feet west of the site.

Existing Ambient Noise Environment

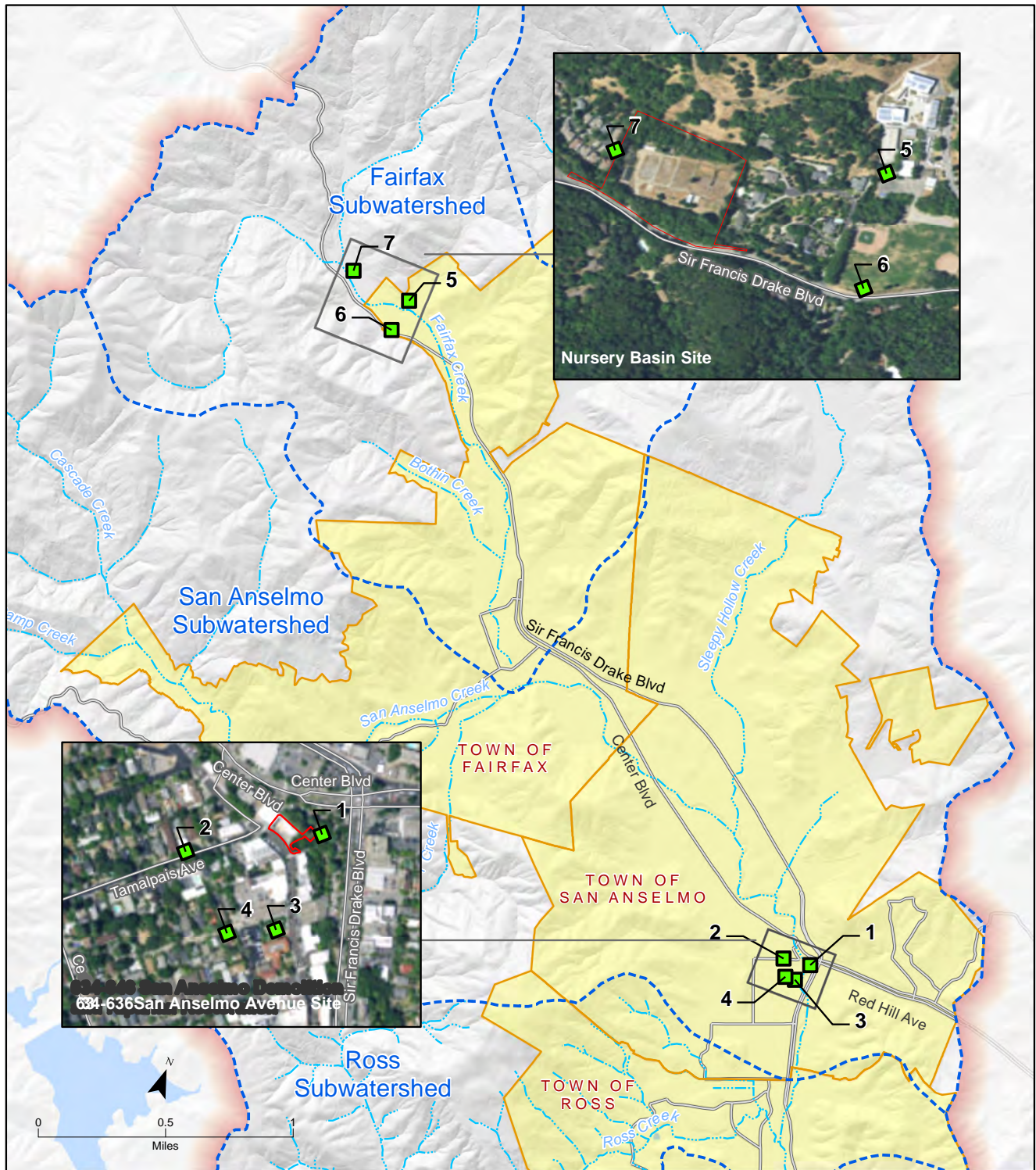
In order to help characterize ambient noise in the Project area, noise measurements were collected at the Downtown San Anselmo and Nursery Basin sites near noise-sensitive areas. The areas surrounding the Downtown San Anselmo site were dominated by vehicular traffic noise from Sir Francis Drake Boulevard and other noise sources typical of a suburban environment (e.g., people talking, distant music). The area surrounding the Nursery Basin site was also dominated by vehicular traffic noise from Sir Francis Drake Boulevard as well as natural sounds (e.g., birds chirping, insects buzzing).

The noise measurement survey was conducted on June 19, 2017, and consisted of a total of seven 15-minute noise measurements. The survey site locations are illustrated on **Figure 4.11-3**. The results of the noise survey, which include the measured L_{min} , L_{eq} , and L_{max} levels as well as descriptions of localized noise sources at all nine monitoring locations, are presented in **Table 4.11-3**. As shown in the table, much of the Project area is typified by relatively low to moderate (low 40s to high 50s dBA L_{eq}) noise levels due to the lack of loud noise sources. All noise measurements were conducted using a Larson Davis 831 Type 1 sound level meter. The meter was calibrated before and after each noise measurement.

**TABLE 4.11-3
AMBIENT NOISE MONITORING RESULTS**

Location No.	Start time	L_{min} (dBA)	L_{eq} (dBA)	L_{max} (dBA)	Primary Noise Source(s)
Downtown San Anselmo Site					
1	9:36 a.m.	48	55	65	Sir Francis Drake Boulevard
2	9:57 a.m.	44	59	76	Tamalpais Avenue
3	10:19 a.m.	49	53	62	People talking, San Anselmo Avenue
4	10:39 a.m.	44	52	74	Magnolia Avenue
Nursery Basin Site					
5	7:45 a.m.	34	43	56	Sir Francis Drake Boulevard, birds chirping
6	8:14 a.m.	42	56	66	Sir Francis Drake Boulevard, birds chirping
7	8:47 a.m.	42	47	66	Residents talking, nearby construction activity

SOURCE: Environmental Science Associates (ESA), *15-minute Short-Term Noise Measurements and Traffic Noise Spreadsheet*, June 19, 2017.



- Project Area
- Noise Monitoring Location
- Subwatershed Boundary
- Ross Valley Watershed
- City Area

SOURCE: Ch2m

San Anselmo Flood Management Project . D211432.07

Figure 4.11-3
Noise Measurement Locations

4.11.3 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.11.3.1 Federal Regulations

Truck Operations

Federal regulations establish noise limits for medium and heavy trucks (more than 4.5 tons, gross vehicle weight rating) under 40 CFR, Part 205, Subpart B. The federal truck pass-by noise standard is 80 dBA at 15 meters (approximately 50 feet) from the vehicle pathway centerline. These limits are implemented through regulatory controls on truck manufacturers.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration aims to ensure worker safety and health in the United States by working with employers and employees to create better working environments. With regard to noise exposure and workers, Occupational Safety and Health Administration regulations set forth accepted criteria to protect the hearing of workers exposed to occupational noise. Noise exposure regulations are listed in 29 CFR Section 1910.95. Most applicable to the Project, 1910.95(c)(1) states that an employer shall administer a hearing conservation program whenever noise exposure levels equal or exceed an 8-hour time-weighted average sound level of 85 dBA.

4.11.3.2 State Regulations

California Government Code Section 65302 encourages each local government entity to implement a noise element as part of its general plan. In addition, the California Governor's Office of Planning and Research has developed guidelines for preparing noise elements, which include recommendations for evaluating the compatibility of various land uses as a function of community noise exposure. According to the guidelines, exterior noise exposures generally fall into three categories: normally acceptable, conditionally acceptable, and unacceptable. Each land use has a particular dBA range within each exterior noise exposure category. For residential uses, an exterior noise environment of less than 62.5 dBA L_{dn} or CNEL is considered "normally acceptable" while a noise environment of 62.5 to 77.5 dBA L_{dn} or CNEL is considered "conditionally acceptable." For neighborhood parks, the General Plan guidelines indicate that an exterior noise environment of less than 65 dBA L_{dn} or CNEL is considered "normally acceptable," between 65 dBA and 80 dBA L_{dn} or CNEL is considered "conditionally acceptable," and 80 dBA or greater is considered "unacceptable."

4.11.3.3 Local Regulations

Activities associated with the Project would take place within the jurisdictions of unincorporated Marin County and the Town of San Anselmo. The Town of Fairfax is almost immediately adjacent to the Nursery Basin site. Noise-related goals and policies from the general plans of these jurisdictions are presented below.

Marin County

Countywide Plan

The Built Environment Element of the Marin Countywide Plan contains the following goal, policy, and implementing program that relate to noise and are applicable to the Project (Marin County, 2007):

Goal NO-1: Protection from Excessive Noise. Ensure that new land uses, transportation activities, and construction do not create noise levels that impair human health or quality of life.

Policy NO-1.3: Regulate Noise Generating Activities. Require measures to minimize noise exposure to neighboring properties, open space, and wildlife habitat from construction-related activities, yard maintenance equipment, and other noise sources, such as amplified music.

Implementing Program NO-1.i: Regulate Noise Sources - Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan.

Municipal Code

Section 6.70.030 of the Marin County Municipal Code limits the operation of loud noise-generating construction-related equipment to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday only. However, a special exemption to this limitation could be granted to public agencies such as the Marin County Flood Control and Water Conservation District (Flood Control District) (Marin County, 2017).

Town of San Anselmo

General Plan

The Town of San Anselmo General Plan does not contain noise-related goals or policies that would be applicable to the Project.

Municipal Code

Municipal Code Section 4-7.203, Construction and demolition, contains the following noise level and hourly restrictions for the operation of construction equipment.

- a) Except as otherwise provided in subsections (b), (c), and (d) of this section, for a period of two (2) years after March 13, 1975, it shall be unlawful to operate any powered equipment if the operation of such equipment emits a noise level of eighty-five (85) dBA when measured at the loudest point fifty (50) feet away from the equipment. On and after March 13, 1977, the permissible noise level shall be reduced to eighty (80) dBA.
- b) Impact tools and equipment shall be excluded from the provisions of subsection (a) of this section; provided, however, on or after September 13, 1975, such impact tools and equipment

shall have intake and exhaust mufflers recommended by the manufacturers thereof; and provided, further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as he deems to be in the public interest, considering the available technology and economic feasibility.

- c) Construction or demolition work may be performed during the following times: Mondays through Fridays from 7:00 a.m. to 7:00 p.m.; Saturdays from 9:00 a.m. to 5:00 p.m.; and Sundays from 12:00 p.m. to 5:00 p.m.; provided, however, such hours shall be extended until 8:00 p.m. for work performed by homeowners or residents upon their own property.
- d) Construction or demolition under the ordinance is allowed at any time provided the noise level does not exceed five (5) dB above the ambient at the nearest property plane with allowance for correction factors as set forth in the General Maximum Noise Standards specified in subsection (b) of Section 4-7.104 of Article I of the code.

Town of Fairfax

General Plan

The following goal and policy relevant to noise are in the Town of Fairfax's 2010 General Plan (Town of Fairfax, 2012).

Goal N-3: Maintain the current quality of the acoustical environment.

Policy N-3.1.2: Noise created by new non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of the Noise Ordinance. Where proposed non-transportation noise sources are likely to produce noise levels exceeding the standards, an acoustical analysis shall be required as a part of project review or as part of the environmental review process so that noise mitigation may be included in the project design.

According to the General Plan, if a major project is expected to take less than 18 months and work would be done following all of the standard controls that would be established, including limiting the work to a certain schedule of allowable days and hours, then the project would be found to cause a less-than-significant impact under the California Environmental Quality Act (CEQA). Alternatively, if the project is going to necessitate construction activities that would last beyond 18 months, or occur outside of allowable time periods, then the project would be found to cause a potentially significant impact and would be subject to environmental review under CEQA. The General Plan also provides a representative list of standard noise control measures that could be implemented.

Municipal Code

Municipal Code Section 8.20.060 (C): Construction/demolition domestic power tools, contains the following hourly restrictions for the operation of construction equipment.

1. The operation of any tools or equipment used in construction or demolition work or in property maintenance work between the hours of 6:00 p.m. and 8:00 a.m. Monday through Friday or on weekends and holidays between the hours of 4:00 p.m. and 9:00 a.m. such that the sound therefrom creates a noise disturbance is prohibited.

2. Operating or permitted the operation of any mechanically powered tools between the hours of 6:00 p.m. and 8:00 a.m. Monday through Friday and between 4:00 p.m. and 9:00 a.m. on weekends and holidays is prohibited.

4.11.4 Impacts and Mitigation Measures

4.11.4.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact on noise and vibration if it would:

- a) Result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels;
- c) Result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project (including in areas with sensitive receptors);
- d) Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project;
- e) For a project within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, expose people residing or working in the area to excessive noise levels; or
- f) For a project in the vicinity of a private airstrip, expose people residing or working in the Project area to excessive noise levels.

The following significance criterion was found to result in no impacts and was therefore not evaluated further:

Exposure of people to excess noise due to proximity to an airport or private airstrip. There are no public airports or private airstrips within the Project areas. The Project would not result in the placement of workers in areas where they would be exposed to excessive noise levels associated with airports or airstrips. Therefore, the Project would have no impact related to this criterion and this issue is not discussed further below.

4.11.4.2 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to noise and vibration impacts in the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section.

Temporary or Periodic or Permanent Increase in Ambient Noise Levels

The FTA's *Transit Noise and Vibration Impact Assessment* provides guidelines for reasonable criteria for assessment of construction noise (FTA, 2006). The guidance indicates that construction

noise that exceeds a 1-hour L_{eq} level of 90 dBA during the day would provoke an adverse community reaction at noise sensitive land uses (FTA, 2006). This noise level is used here to assess whether construction- and maintenance-related on-site and off-site noise levels would have the potential to cause a substantial temporary or periodic or permanent increase in ambient noise levels at sensitive receptor locations.

Noise Level Standards

Consistency with local noise standards are determined by comparing the applicable noise level standard to published equipment noise levels. In some cases, this requires calculating noise levels at various distances (i.e., to a property line or sensitive receptor) using widely published noise propagation equations (FHWA, 2006) in order to assess whether a potential conflict could occur.

While both the jurisdictions have established land use noise compatibility standards for ambient noise levels, only Town of San Anselmo has an established noise level standard for construction. However, the Town of San Anselmo construction noise standard would only apply to construction activities that occur outside of the Town's allowed construction hours. The construction time limits adopted by the County and Town are considered in the analysis of Project consistency with regional and local plans and policies (see Impact 4.11-2).

Groundborne Vibration

The Marin Countywide Plan and Town of San Anselmo General Plan and relevant municipal codes do not address vibration or provide numerical thresholds for identifying groundborne vibration impacts. In the absence of local standards for construction equipment vibration, the evaluation presented under Impact 4.11-3 uses the vibration thresholds presented in **Table 4.11-4** to assess the significance of groundborne vibration and noise impacts. For adverse human reaction, the analysis applies the "strongly perceptible" threshold of 0.9 in/sec PPV for transient sources (Caltrans, 2013b). For risk of architectural damage to historic buildings and structures, this analysis applies a threshold of 0.12 in/sec PPV (Caltrans, 2013b). A threshold of 0.3 in/sec PPV is used for all other buildings. The FTA provides an equation that may be used to estimate vibration at different distances based on a reference PPV of 25 feet for various construction equipment. Using the FTA equation, the distances at which vibration-generating construction equipment would be lower than the annoyance or damage thresholds were calculated and compared to potential distances to receiving buildings.

**TABLE 4.11-4
VIBRATION THRESHOLDS**

	Maximum Peak Particle Velocity (PPV), inches per second (in/sec)
Adverse human reaction (human annoyance)	0.1
Historic buildings and structures	0.12
All other structures	0.3

NOTE: The vibration criteria is based on continuous or frequent intermittent sources, including impact pile drivers, pogo-stick compactors, crack and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

SOURCES: Caltrans, *Transportation and Construction Vibration Guidance Manual*, September 2013b.

4.11.4.3 Impacts and Mitigation Measures

Impact 4.11-1: Project construction would not result in substantial temporary or periodic increase in ambient noise levels in the Project vicinity. (*Less than Significant*)

Construction of the Project would occur at the Nursery Basin and Downtown San Anselmo sites concurrently, with work at each site taking place during a 4- to 8-month construction period in a single season. The noise levels generated during Project construction would vary, depending on the construction phase and the types of construction equipment being used. In addition, certain types of construction equipment generate impulsive noises, which can be disruptive. **Table 4.11-5** shows typical noise levels produced by the types of construction equipment that would likely be in operation during construction/demolition activities at the two sites.

**TABLE 4.11-5
REFERENCE CONSTRUCTION EQUIPMENT NOISE LEVELS
(50 AND 100 FEET FROM SOURCE)**

Type of Equipment	L _{max} , dBA at 50 feet	Percent Usage	Hourly L _{eq} , dBA	
			at 50 feet	at 100 feet
Dump Truck	84	40	80	72
Excavator	85	40	81	73
Loader	80	40	76	68
Grader	85	40	81	73
Saw	90	20	83	75
Jack Hammer	85	20	78	70
Bulldozer	85	40	81	73
Crane	85	16	77	70
Paver	85	16	77	70
Roller	85	20	78	70
Generator	82	50	79	71
Backhoe	80	40	76	68

SOURCE: Federal Highway Administration (FHWA), *FHWA Roadway Construction Noise Model User's Guide*, 2006.

Construction activities at both sites would include site mobilization, clearing and grubbing, demolition, excavation, grading, floodwall installation, possible utility line removal or relocation, relocation or extension of the existing storm drain piping, and demobilization. Additional activities at the Nursery Basin site include basin earthwork, building the diversion structure across Fairfax Creek, constructing an outlet control structure, and installing pipes and drains. Additional activities in downtown San Anselmo include building new sidewalks and guardrails, and reconstructing the existing public access features at Creek Park.

The operation of each piece of off-road equipment at the Nursery Basin and downtown San Anselmo construction areas would not be constant throughout the day, as equipment would be turned off when not in use. Most of the time during a typical workday, the equipment would be operating at different locations within the Nursery Basin site, and different pieces of equipment would not all be operating concurrently. To quantify construction-related noise exposure at the

nearest sensitive land use, it is assumed that the two loudest pieces of construction equipment would operate within the Project area closest to the nearest off-site sensitive land use.

The closest sensitive land use to the Nursery Basin site are single-family residences with back yards immediately adjacent to the site's western and eastern boundaries. These single-family buildings are as close as 25 feet from the parcel boundary around the Project site. Using the reference noise levels provided in Table 4.11-5, a saw and grader running at the same time and pace could generate a noise level of 85 dBA L_{eq} from a distance of 50 feet. Assuming a 7.5 dB per doubling of distance drop-off rate, the nearest sensitive receptors from the construction area would be exposed to a noise level of 93 dBA L_{eq} . These sensitive land uses would be exposed to noise levels that would be substantially higher than existing ambient noise levels, a potentially significant impact. As noted above in Section 4.11.3.3, the Marin Countywide Plan indicates that as a condition of approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan. The construction noise reduction plan developed pursuant to the Countywide Plan would include measures to reduce construction noise. These measures shall include, but not limited to, the following:

1. Distribute to the potentially affected residences and other sensitive receptors within 100 feet of Project construction boundary a "hotline" telephone number, which shall be attended during active construction working hours, for use by the public to register complaints. The distribution shall identify a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints and institute feasible actions warranted to correct the problem. All complaints shall be logged noting date, time, complainant's name, nature of complaint, and any corrective action taken. The distribution shall also notify residents adjacent to the Project site of the construction schedule.
2. All construction equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof. Further, pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as he deems to be in the public interest, considering the available technology and economic feasibility.
3. Maintain maximum physical separation between noise sources (construction equipment) and sensitive noise receptors. Separation may be achieved by locating stationary equipment to minimize noise impacts on the community.
4. Impact tools (e.g., jack hammers, pavement breakers) used during construction activities will be hydraulically or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
5. Use construction noise barriers such as paneled noise shields, barriers, or enclosures adjacent to noisy stationary equipment. Noise control shields shall be made featuring a solid panel and a weather-protected, sound-absorptive material on the construction-activity side of the noise shield.

6. Truck hauling access routes to Project sites along local roadways shall use roadways with the fewest residences feasible to minimize vehicle noise exposure to nearby residences.
7. Whenever construction occurs within 100 feet of a sensitive receptor or has direct line-of-sight of a first-floor occupied residence, a temporary six-foot or greater barrier(s) shall be constructed around construction areas to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30, or greater.

Through the implementation of measures in the construction noise reduction plan, it is anticipated that construction-related noise levels would be reduced by requiring the Project to implement best management practices. Therefore, with implementation of the construction noise reduction plan temporary noise impacts associated with Nursery Basin construction would be less than significant.

Sensitive land uses in the vicinity of the Downtown San Anselmo site are single- and multi-family residences west, northwest, and southwest of the site. The nearest sensitive receptor is a single-family residence approximately 235 feet west of the site. Assuming a 7.5-dB per doubling of distance drop-off rate, the nearest sensitive from the construction area would be exposed to a noise level of 68 dBA L_{eq} during construction. These sensitive land uses would not be exposed to noise levels that would be substantially higher than existing ambient noise levels.

In addition to on-site construction noise, off-site hauling and material deliveries associated with construction activities would occur along designated truck routes within both of the construction areas. This increase in truck traffic compared to existing conditions would contribute incrementally to traffic noise along local streets. Truck noise levels depend on vehicle speed, load, terrain, and other factors. The effects of off-site truck noise would depend on the existing level of background noise at a particular sensitive receptor. It is anticipated that a maximum day of truck traffic from the Downtown San Anselmo site and the Nursery Basin site would equate in 150 one-way trips (75 round trips) and 392 one-way (196 round trips), respectively, during on-site construction at each location.

Haul truck routes would likely occur along U.S. Highway 101, Sir Francis Drake Boulevard, and other local roadways in the immediate vicinity of the Project sites. Noise associated with a single truck pass-by can be approximately 80 dBA at 50 feet (FHWA, 2006). However, it takes a doubling of traffic to increase average noise levels by only 3 dB, which is considered barely perceptible to the average person (Caltrans, 2013a). Since U.S. Highway 101 and the majority of Sir Francis Drake Boulevard experience elevated traffic levels, the worst-case worker and haul truck traffic of 392 one-way trips per day would not double traffic volume along these roadways and would therefore not result in a perceptible increase in traffic noise at existing sensitive receptor locations.

It is possible that Project-related truck trips could more than double existing traffic levels of some of the lightly travelled local roadways in the Project area where residential areas are located, which could increase ambient noise levels at residences by more than 3 dB. Calculation of an example roadway noise level that would be associated with Project-related hauling on these local

roadways was completed using the traffic noise prediction acoustical algorithms developed by the Federal Highway Administration. Assuming the construction activities could result in 40 one-way truck trips on local roads during the peak-hour of hauling when local traffic levels would be negligible, a 1-hour L_{eq} of 66 dBA at residences 50 feet from the roadway center was modeled. Sensitive receptors would not likely be located within 50 feet of Project-related haul routes. Consequently, nearby sensitive land uses would not be exposed to construction-related haul truck traffic noise that would be substantially higher than existing ambient noise levels.

Mitigation: None required.

Impact 4.11-2: Project construction would not generate noise that would expose people to noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies during construction. (*Less than Significant*)

Construction activities at the Nursery Basin and Downtown San Anselmo sites would be located entirely within an unincorporated area of Marin County and Town of San Anselmo, respectively. As described in Section 4.11.3, above, Marin County has established exemptions for noise related to construction activities and the Town of San Anselmo has established allowed construction hours provided construction equipment do not exceed 80 dBA from a distance of 50 feet. The allowed construction hours identified in the Marin County and Town of San Anselmo municipal code are summarized in **Table 4.11-6**. Construction activities within the Town of San Anselmo are allowed to occur outside of the Town's allowed construction hours provided construction activities do not expose the nearest sensitive receptor to noise levels that elevated the existing ambient by 5 dB.

**TABLE 4.11-6
CONSTRUCTION NOISE TIME-OF-DAY EXEMPTIONS**

Jurisdiction	Weekdays	Saturdays	Sundays	Federal Holidays
Marin County	8:00 a.m. to 5:00 p.m.	Construction not allowed	Construction not allowed	Construction not allowed
Town of San Anselmo	7:00 a.m. to 7:00 p.m.	9:00 a.m. to 5:00 p.m.	12:00 p.m. to 5:00 p.m.	Construction not allowed

SOURCES: Refer to Section 4.11.3., Regulatory Setting.

Since construction activities proposed at the Nursey Basin site would only occur within the allowed hours identified in the Marin County municipal code (see Table 4.11-6), Project construction activities at the Nursey Basin site would be exempt from the County's noise standards.

Project construction activities at the Downtown San Anselmo Site would only occur within the allowed hours identified in the Town of San Anselmo municipal code. As previously discussed under Impact 4.11-2, the nearest sensitive receptor to the Downtown San Anselmo site would be

exposed to a noise level of 68 dBA L_{eq} and a maximum noise level of 73 dBA, which would not exceed the Town of San Anselmo construction noise standard. Furthermore, since construction activities would only occur within the daytime hours identified in the Town of San Anselmo municipal code, the Project would not be required to demonstrate compliance with the Town's 5 dB increase over ambient standard.

The Project would not operate outside of the daytime construction exemption hours specified in the Marin County and Town of San Anselmo municipal codes (see Table 4.11-6) and would not exceed the Town of San Anselmo construction noise standard. Therefore, residences near Project construction areas would be exposed to noise levels that would not result in violation of either Marin County and Town of San Anselmo municipal codes, resulting in a less-than-significant impact.

Mitigation: None required.

Impact 4.11-3: Project construction would not expose people to or generate excessive groundborne vibration during construction. (*Less than Significant*)

Temporary sources of groundborne vibration and noise during construction and maintenance activities at the Nursery Basin and Downtown San Anselmo sites would result from operation of conventional heavy construction equipment such as graders, bulldozers, and loaded haul trucks. Typical reference vibration levels for these types of equipment are listed below in **Table 4.11-7**.

As described above in Section 4.11.4, sensitive land uses that are exposed to a vibration levels that exceeds 0.9 in/sec PPV and 0.3 in/sec PPV would result in adverse human reaction or building damage. There are no historic structures in or near the Nursery Basin or Downtown San Anselmo sites that could be exposed to construction-induced vibration that would result in structural damage.

TABLE 4.11-7
VIBRATION VELOCITIES FOR CONSTRUCTION EQUIPMENT

Equipment/Activity	PPV at 25 feet (inches/second) ^a
Large Bulldozer	0.089
Jackhammer	0.035
Loaded Trucks	0.076
Caisson Drilling (represents Tunnel boring machine)	0.089

SOURCE: Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment* (Guidance Manual), May 2006. (Chapter 12)

The nearest sensitive land uses are approximately 25 and 235 feet from the Nursery Basin and Downtown San Anselmo sites, respectively. Assuming that a large bulldozer would be used during Project construction, these sensitive land uses would be exposed to a vibration level of

approximately 0.089 in/sec PPV and 0.003 in/sec PPV, respectively. Since the nearest sensitive land uses to the Nursery Basin and Downtown San Anselmo sites would not be exposed to vibration levels that would exceed the established adverse human reaction threshold or the building damage threshold, this would result in a less-than-significant impact.

Mitigation: None required.

Impact 4.11-4: The Project would not cause substantial permanent increases in ambient noise levels in the Project vicinity above levels existing without the Project during operations. (*Less than Significant*)

The operation and maintenance activities at the Nursery Basin and Downtown San Anselmo sites would largely be similar to those already conducted by the Flood Control District, Marin County Department of Public Works, and the Town of San Anselmo for the stream channels and banks, buildings, bridges, culverts, and other aspects of their management responsibilities. Typical activities include management of invasive vegetation that may have adverse flooding impacts, catch floating debris, or increase erosion; removal of litter or debris; regular inspection and as-needed repair of flood walls, retaining walls, or other structures; and replanting, tree-trimming, or other vegetation management actions, as described in the Flood Control District's Stream Maintenance Program. These activities may include the use of off-road equipment such as lawn mowers, backhoes, and loaders. These activities would be temporary and occur infrequently throughout the year. In addition, removal of sediment deposited in the Nursery Basin or the Fairfax Creek channel would be removed one to two times per year, using a small bulldozer and backhoe similar to those used for construction but would generally be smaller and quieter. This activity would take place during allowed hours identified in the Marin County municipal code (see Table 4.11-6), and would be at a greater distance from the nearest sensitive receptors than the construction.

Unlike during Project construction, it is unlikely that multiple pieces of noise-generating maintenance equipment would be operating at any one place concurrently. To quantify construction-related noise exposure at the nearest sensitive land use, it is assumed that one of the loudest pieces of off-road equipment would operate within the Project area closest to the nearest off-site sensitive land use. Using the reference noise levels provided in Table 4.11-5, an excavator operating could generate a noise level of 73 dBA L_{eq} from a distance of 50 feet. Assuming a 7.5 dB per doubling of distance drop-off rate, sensitive receptors near the Nursery Basin and Downtown San Anselmo sites would be exposed to a noise level of 81 and 56 dBA L_{eq} , respectively. These sensitive land uses would not be exposed to noise levels that would exceed the applied FTA adverse community reaction threshold of 90 dBA L_{eq} . Therefore, this would result in a less-than-significant impact.

Mitigation: None required

4.11.5 References – Noise

- California Department of Transportation (Caltrans), *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013a.
- Caltrans, *Transportation and Construction Vibration Guidance Manual*, September 2013b.
- Egan, M. David, *Architectural Acoustics*, McGraw-Hill, Inc., 1988.
- Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment (Guidance Manual)*, May 2006. (Chapter 12)
- Federal Highway Administration (FHWA), *FHWA Roadway Construction Noise Model User's Guide*, 2006.
- Marin County Community Development Agency, *Marin Countywide Plan*, November 6, 2007.
- Marin County, *Marin County Code of Ordinances*. Chapter 6.70 – Loud and Unnecessary Noises, March 14, 2017. Available online at https://library.municode.com/ca/marin_county/codes/code_of_ordinances?nodeId=TIT6PUPESAMO_CH6.70LOUNNO. Accessed on September 11, 2017.
- U.S. Environmental Protection Agency (EPA), *Information on Levels of Environmental Noise Requisite to protect Public Health and Welfare with an Adequate margin of Safety*. March 1974.

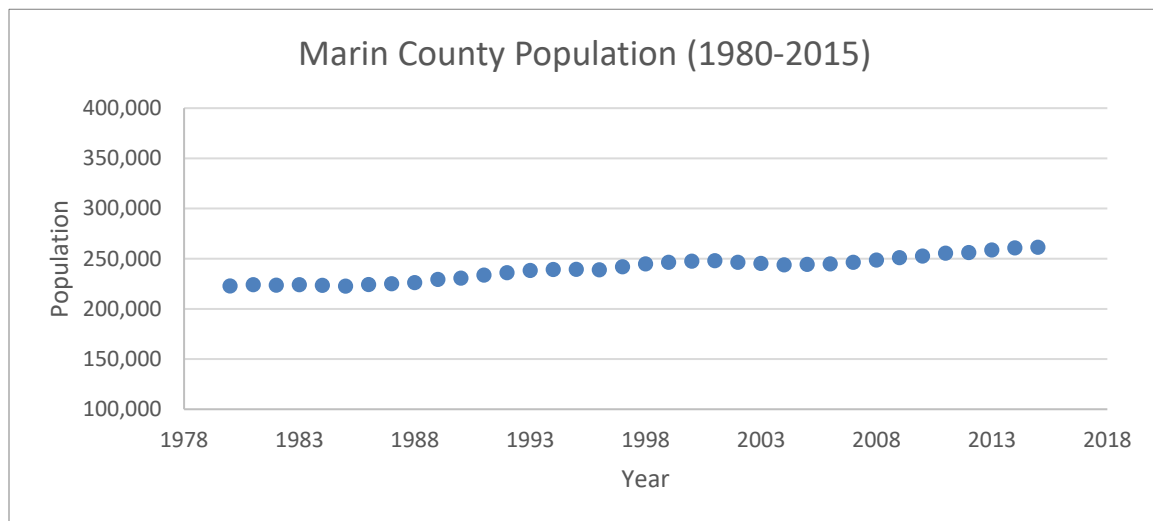
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4.12 Population and Housing

This section evaluates the potential impacts of the San Anselmo Flood Risk Reduction Project (Project) on population and housing. It provides an overview of the physical and regulatory setting that applies to population and housing. Potential impacts are discussed and evaluated, and appropriate mitigation measures are identified, where necessary.

4.12.1 Environmental Setting

In 2015, Marin County's population was approximately 262,305. As shown on **Figure 4.12-1**, the population grew 17.4 percent from 1980 to 2015, adding approximately 38,629 people. The estimated growth rate for 2010 to 2015 was 3.9 percent and the projected 2015 to 2050 growth rate is 5.7 percent (**Table 4.12-1**). According to the 2007 Marin Countywide Plan, the County's population could grow to nearly 283,100 in the future if all land designated for residential development were to be fully developed and occupied (Marin County Community Development Agency, 2007).



SOURCE: U.S. Census Bureau, 1980 Census, 1980. Available online at <https://www.census.gov/programs-surveys/decennial-census/decade.1980.html>; U.S. Census Bureau, 1990 Census, 1990. Available online at <https://www.census.gov/programs-surveys/decennial-census/decade.1990.html>; U.S. Census Bureau, 2000 Census, Bay Area Census, 2000a. Available online at <http://www.bayareacensus.ca.gov/counties/MarinCounty.htm>. Accessed on August 31, 2017; U.S. Census Bureau, 2010 Census, Bay Area Census, 2010a. Available online at <http://www.bayareacensus.ca.gov/counties/MarinCounty.htm>. Accessed on August 31, 2017; U.S. Census Bureau, U.S. Census Bureau Population Estimates 2015 Vintage 2015 Population Estimates, 2015. Available online at <https://www.census.gov/programs-surveys/popest/data.html>. Accessed on August 31, 2017.

Figure 4.12-1
Population of Marin County (1980 to 2015)

Marin County had approximately 103,210 households in 2010 with an average household size of 2.36 people (**Table 4.12-2**). If both vacant and underdeveloped lots were developed, approximately 15,200 new housing units, including both single-family and multi-family, could be added countywide (Marin County Community Development Agency, 2007).

In 2015, the Town of San Anselmo's population was approximately 12,862. As shown in **Table 4.12-1**, the estimated growth rate for 2010 to 2015 was 4.2 percent, despite the decrease in population between 2000 and 2010. The population of San Anselmo is expected to increase to 13,400 in 2040 (Town of San Anselmo, 2015).

**TABLE 4.12-1
POPULATION AND GROWTH RATES OF MARIN COUNTY AND
TOWNS WITHIN THE PROJECT AREA**

Region	Population				Growth Rates (%)		
	2000	2010	2015 (Estimated)	2050 (Projected)	2000-2010	2010-2015 (Estimated)	2015-2050 (Projected)
Marin County	247,289	252,409	262,305	277,335	2.1%	3.9%	5.7%
Town of San Anselmo	12,378	12,336	12,862		-0.3%	4.2%	
Town of Fairfax	7,319	7,441	7,525		1.7%	1.1%	

SOURCE: U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2000, Fairfax town, California, 2000b; U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2000 Marin County, California, 2000c; U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2000, San Anselmo town, California, 2000d; U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2010, Fairfax town, California, 2010b; U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2010, Marin County, California, 2010c; U.S. Census Bureau, American FactFinder, DP-1 Profile of General Demographic Characteristics: 2010, San Anselmo town, California, 2010d; State of California Department of Finance, P-2: County Population Projections (2010-2060), County Population by Age (1 year increments), 2017a; State of California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2017, with 2010 Benchmark, 2017b.

**TABLE 4.12-2
MARIN COUNTY HOUSING DEMOGRAPHICS**

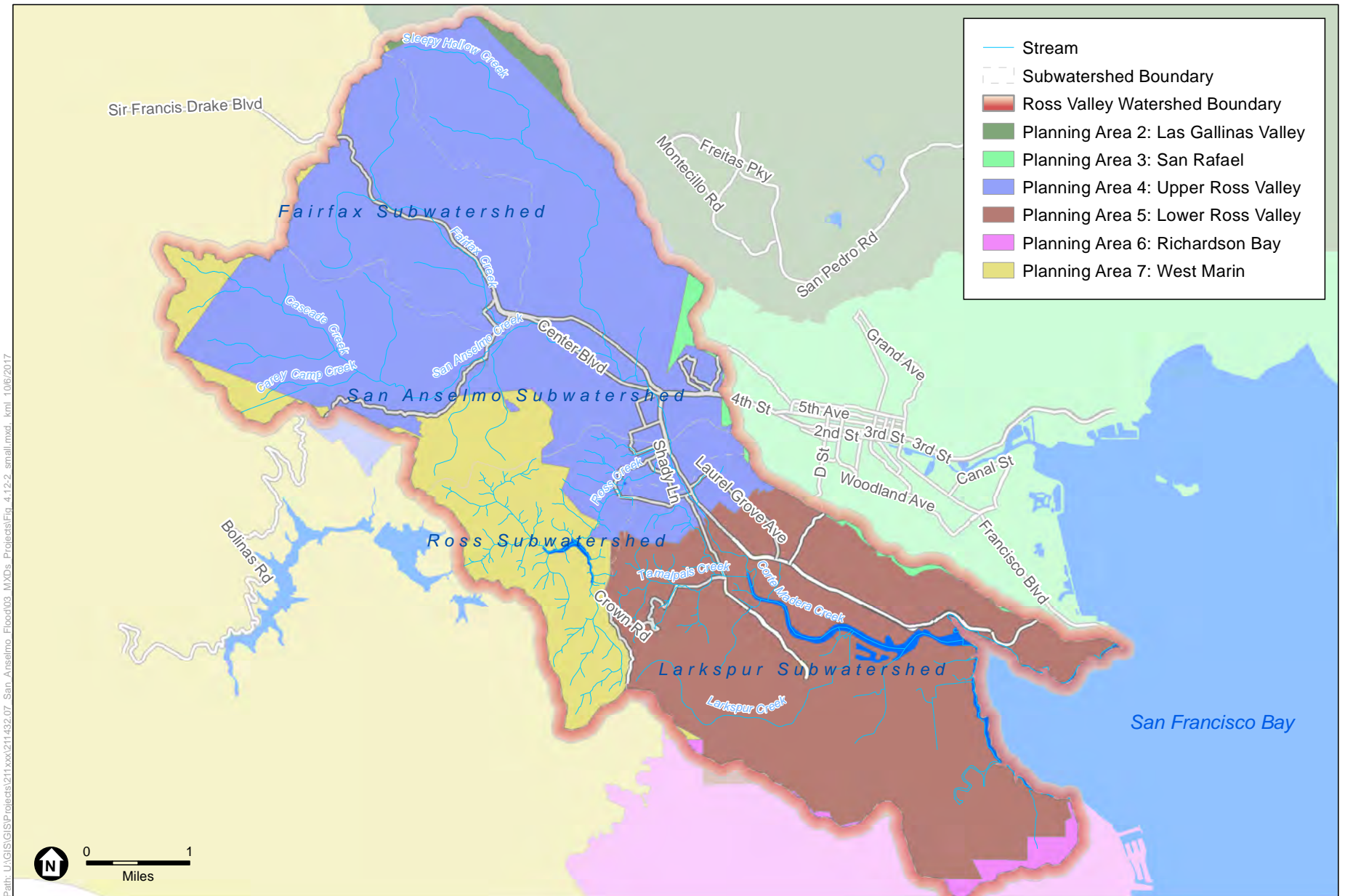
Information Category	1980 Actual	1990 Actual	2000 Actual	2010 Actual	Theoretical Buildout
Households	88,723	95,006	100,650	103,210	118,728
Average Household Size	2.43	2.33	2.34	2.36	2.36

NOTE: The Countywide Plan does not include projections that estimate the time by which a certain level of development is projected to occur. Instead, tables of statistics are presented for the county and for each of the seven planning areas; these tables identify four benchmarks by which to measure trends: U.S. Census Bureau counts of population, households, employed residents, and jobs for the years 1980, 1990, and 2000. They also include a projection of development that could occur if land vacant and underutilized in 2004 were fully developed, pursuant to the zoning designations of city and County general plans.

SOURCE: Marin County Community Development Agency, *Marin Countywide Plan*, Adopted November 6, 2007. Available online at <http://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan/plans-and-documents>. Accessed on October 7, 2016; U.S. Census Bureau, 1980 Census, 1980. Available online at <https://www.census.gov/programs-surveys/decennial-census/decade.1980.html>; U.S. Census Bureau, 1990 Census, 1990. Available online at <https://www.census.gov/programs-surveys/decennial-census/decade.1990.html>; U.S. Census Bureau, 2000 Census, Bay Area Census, 2000a. Available online at <http://www.bayareacensus.ca.gov/counties/MarinCounty.htm>. Accessed on August 31, 2017.

The former Sunnyside Nursery site is located northwest of Fairfax, California. In 2015, the Town of Fairfax's population was approximately 7,252. The estimated growth rate for 2010 to 2015 was 1.1 percent.

The Marin Countywide Plan Planning Area 4, Upper Ross Valley, encompasses the Project area (**Figure 4.12-2**). The Upper Ross Valley planning area includes the Towns of Fairfax, Ross, and San Anselmo, as well as the unincorporated neighborhoods west and southwest of the Town of Fairfax and Sleepy Hollow (Marin County Community Development Agency, 2007). **Table 4.12-3** includes the population and housing data for the Upper Ross Valley planning area.



SOURCE: Marin County, MarinMap

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Figure 4.12-2
Countywide Plan Planning Areas in Ross Valley Watershed

TABLE 4.12-3
UPPER ROSS VALLEY PLANNING AREA POPULATION AND HOUSING DEMOGRAPHICS

Information Category	1980 Actual	1990 Actual	2000 Actual	Theoretical Buildout
Population	25,623	24,196	25,297	28,838
Households	10,420	10,171	10,504	12,090
Average Household Size	2.46	2.32	2.41	2.39
Housing Units	10,836	10,565	10,823	11,514
Incorporated Area	9,692	9,323	9,631	10,035
Unincorporated Area	1,144	1,242	1,192	1,479

SOURCE: Figure 3-54 of the Marin Countywide Plan (Marin County Community Development Agency, *Marin Countywide Plan*, Adopted November 6, 2007. Available online at <http://www.marincounty.org/depts/cd/divisions/planning/2007-marin-countywide-plan/plans-and-documents>. Accessed on October 7, 2016.)

4.12.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.12.2.1 Federal Regulations

There are no federal regulations on population or housing that apply to the Project.

4.12.2.2 State Regulations

There are no state regulations on population or housing that apply to the Project.

4.12.2.3 Local Regulations

Marin Countywide Plan

The Marin Countywide Plan (Marin County Community Development Agency, 2007), includes the following relevant goals and policies related to population and housing.

Population

Goal CD-5: Effective Growth Management. Manage growth so that transportation, water, sewer, wastewater facilities, fire protection, and other infrastructure components remain adequate.

Policy CD-5.1: Assign Financial Responsibility for Growth. Require new development to pay its fair share of the cost of public facilities, services, and infrastructure, including but not limited to transportation, incremental water supply, sewer and wastewater treatment, solid waste, flood control and drainage, schools, fire and police protection, and parks and recreation. Allow for individual affordable housing projects to be exempted from the full cost of impact fees, subject to meeting specified criteria.

Policy CD-5.2: Correlate Development and Infrastructure. For health, safety, and general welfare, new development should occur only when adequate infrastructure is available, consistent with the following findings:

- a) Project-related traffic will not cause the level of service established in the circulation element to be exceeded (see TR-1e).
- b) Any circulation improvements or programs needed to maintain the established level of service standard have been programmed and funding has been committed.
- c) Environmental review of needed circulation improvement projects or programs has been completed.
- d) The timeframe for completion of the needed circulation improvements or programs will not cause the established level of service standard to be exceeded.
- e) Wastewater, water (including for adequate fire flows), and other infrastructure improvements will be available to serve new development by the time the development is constructed.

Housing

Housing Goal 1: Use Land Efficiently. Use Marin County's land efficiently to meet housing needs and to implement smart and sustainable development principles.

Policy 1.1: Land Use. Enact policies that encourage efficient land use regulations which foster a range of housing types in our community.

Policy 1.2: Housing Sites. Recognize developable land as a scarce community resource. Protect and strive to expand the supply and residential capacity of housing sites, particularly for lower income households.

Policy 1.3: Development Certainty. Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.

Policy 1.4: Design, Sustainability, and Flexibility. Enact programs that facilitate well designed, energy efficient development, and flexibility of standards to encourage outstanding projects.

Housing Goal 2: Meet Housing Needs through a Variety of Housing Choices. Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

Housing Goal 3: Ensure Leadership and Institutional Capacity. Build and maintain local government institutional capacity and monitor accomplishments to respond to housing needs effectively over time.

Goal CD-2: Balanced Communities. Maintain balanced communities that house and employ persons from all income groups and provide the full range of needed facilities and services.

Policy CD-2.8: Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.

Town of San Anselmo

The Town of San Anselmo adopted the 2015-2023 General Plan Housing Element in May 2015. The Housing Element responds to current and near-term future housing needs in San Anselmo, and contains policies and specific actions that the Town is committed to undertaking to address its housing needs. (Town of San Anselmo, 2015). The Housing Element includes the following strategy and policy relevant to the Project:

Strategy 2: Maintain, protect, and enhance existing housing, and blend well-designed new housing into the community.

Policy H2.6: Maintenance and Management of Quality Housing and Neighborhoods.

The Town will encourage good management practices, rehabilitation of viable older housing, and long-term maintenance and improvement of neighborhoods.

Town of Fairfax

The Town of Fairfax General Plan includes some goals and policies related to population and housing (Town of Fairfax, 2012). However, since the Project is not in the Town of Fairfax and does not involve any activities that would indirectly affect population or housing, none of those goals or policies are directly applicable to the Project; this content is provided for informational purposes.

4.12.3 Impacts and Mitigation Measures

4.12.3.1 Significance Criteria

Consistent with State CEQA *Guidelines*, Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:

- a) Induce substantial population growth or concentration of population 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 housing, necessitating the construction of replacement housing elsewhere;
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere; or
- d) Conflict with housing and population projections and policies as set forth in the Countywide Plan.

4.12.3.2 Approach to Analysis

This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section. Impact evaluations are based on a review of the actions proposed under the Project as described in Chapter 3, *Project Description*, to determine

whether these actions could potentially result in impacts on population and housing within the study area that in turn could result in physical effects on the environment.¹ The analysis considers the potential Project elements, Appendix G of the State CEQA *Guidelines*, Appendix K and N of the County's Environmental Impact Review Guidelines, current conditions, and applicable regulations, plans, and policies.

4.12.3.3 Impacts and Mitigation Measures

Impact 4.12-1: The Project would not induce substantial population growth. (No Impact)

The Project would increase the capacity of San Anselmo Creek and construct a flood diversion and storage basin to reduce flood risk; it would not construct housing and therefore would not directly induce growth in the watershed. In addition, the reduction in flood hazard would affect areas already developed and thus would not indirectly support population growth. Figures 3-13a-c, 3-14a-c, and 3-15a-c (in Chapter 3, *Project Description*) illustrate the areas of reduced flood occurrence after implementation of the Project; these areas are all developed with streets, buildings, and other structures. Therefore, there would be no impact.

Mitigation: None required.

Impact 4.12-2: The Project would not displace substantial numbers of existing housing units or people. (Less than Significant)

The Project would increase the capacity of San Anselmo Creek and construct a flood diversion and storage basin to reduce flood risk in areas already developed with housing units; it would not displace any housing and therefore would not necessitate construction of replacement housing. As discussed in greater detail in Section 4.9, Hydrology and Water Quality, multiple parcels would be affected by increased inundation. The District would mitigate these effects by either providing flow containment structures (such as floodwalls) or elevating existing structures; as a result, no displacement of housing is anticipated and the Project would not cause a measurable change in the population status and trends. Therefore, the Project's impact with respect to displacing substantial numbers of existing housing units or people would be less than significant.

Mitigation: None required.

¹ In accordance with CEQA, economic (e.g., property values) and social effects of a project are not considered environmental impacts (State CEQA *Guidelines* Section 15131) unless there would be a physical impact on the environment resulting from such effects, or if such effects result in the need for the construction of new or physically altered facilities that would result in significant physical environmental impacts.

Impact 4.12-3: The Project would not conflict with housing and population projections and policies as set forth in the Countywide Plan. (No Impact)

The Project would not construct housing or induce substantial population growth, as discussed above, and thus would not affect population projections and policies in the Countywide Plan. Section 4.9, Hydrology and Water Quality, discusses the hydraulic modeling conducted in support of the Project; modeling indicates that the Project could increase the extent and depth of inundation on the margins of parcels along Winship Avenue and Sir Francis Drake Boulevard. Those potential impacts are addressed in that section. Therefore, the Project has no impact with respect to conflicting with housing and population projections as set forth in the Countywide Plan.

Mitigation: None required.

4.12.4 References – Population, Housing, and Employment

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4.13 Public Services and Utilities

This section describes existing public services, utilities and service systems in the vicinity of the San Anselmo Flood Risk Reduction Project (Project) and evaluates the potential impacts of the Project on public services (including fire and emergency, police and criminal justice, and public education services), and utilities (including water supply, wastewater management services, solid waste management services, electricity, and natural gas). Potential effects on parks as a public service are addressed in Section 4.14, Parks and Recreation. Similarly, Section 4.15, Transportation and Circulation, evaluates potential impacts regarding emergency access during construction.

4.13.1 Environmental Setting

The subsections below describe the existing conditions for the various public services and utilities in the Project area.

4.13.1.1 Public Services

Fire Protection and Emergency Services

The Ross Valley Fire Department's service area encompasses the Towns of San Anselmo, Ross, and Fairfax as well as the unincorporated Sleepy Hollow community. The Department provides fire suppression, emergency medical services, fire prevention and inspection, community education, hazardous material spill response, and vehicle collision response and disaster response to its service area and neighboring areas of Marin County (Ross Valley Fire Department, 2017b).

Fire Station 18 is located at 33 Sir Francis Drake Boulevard in Ross. The historic Ross Fire Station was built by the Town of Ross in 1926. Fire Station 18's daily on-duty emergency response personnel consist of a Captain and an engineer/firefighter. Additionally, the fire station houses the Ross Valley Paramedic Authority transport ambulance, Medic 18, staffed with two paramedic firefighters. The station houses one structural firefighting engine and a reserve fire engine, which can be staffed by off-duty and volunteer personnel as needed.

Fire Station 19 is in downtown San Anselmo and is the headquarters for the Department, housing administrative offices as well as two structural firefighting fire engines and one command vehicle. Administrative staff based at this station includes the fire chief, administrative assistant, and fire inspector. The on-duty emergency response staff includes a battalion chief, a captain, and an engineer/firefighter. Additionally, one of the fire engines can be staffed by off-duty and volunteer personnel, as needed.

Fire Station 20 is at 150 Butterfield Road in the Sleepy Hollow neighborhood. This fire station houses two structural firefighting fire engines one of which is supplied by the State of California Emergency Management Agency. The fire station's on-duty emergency response staff includes a captain and an engineer/firefighter, one of which may be a paramedic. The fire engine supplied by the State of California Emergency Management Agency can be dispatched to anywhere in the state and the Department provides the personnel for the engine (Ross Valley Fire Department, 2017a).

Fire Station 21 is located at 10 Park Road in Fairfax. The station's on-duty emergency response staff includes a captain and an engineer/firefighter, one of which may be a paramedic. The station houses one structural fighting fire engine, and one wildland fighting fire engine that is used for wildland fire response and for fires that require off-road driving (Ross Valley Fire Department, 2017a).

Police and Criminal Justice Services

The Central Marin Police Authority is a full-service police agency serving the communities of Corte Madera, Larkspur, San Anselmo and portions of Greenbrae (Central Marin Police Authority, 2017). For 2013-2014, the Central Marin Police Authority had 56 full-time staff, including 43 sworn staff and 13 non-sworn staff. **Table 4.13-1** includes a breakdown of staff for each position.

**TABLE 4.13-1
THE CENTRAL MARIN POLICE AUTHORITY FULL-TIME STAFFING LEVELS (2013-2014)**

Position	Number of Full-Time Staff
Chief	1
Captains	2
Lieutenants	3
Sergeants	6
Corporals	6
Officers	25
Sub-Total Sworn:	43
Dispatch Supervisor	1
Dispatchers	8
Administrative Assistant	1
Records Manager	1
Police Services Technician	1
Community Service Officer	1
Sub-Total Non-Sworn:	13
Total	56

SOURCE: Central Marin Police Authority. 2014. *Police Staffing Levels*. Available at: <http://www.centralmarinpolice.org/130/Police-Staffing-Levels>. Accessed: August 15, 2017.

The Fairfax Police Department serves the Town of Fairfax as well as the communities of Ross and the Marin Community College District. It employs 11 full-time police officers, two reserve police officers, four full-time police dispatchers, four part-time police dispatchers, and one community services technician (Fairfax Police Department, 2017).

Public Education Services

There are nearly two dozen public schools in Ross Valley (California Department of Education, 2018). Both Project sites are within the Ross Valley School District. There are three schools

located within a 0.25-mile radius of the sites. White Hill Middle School is located at 101 Glen Drive in Fairfax, approximately 600 feet to the east of the former Sunnyside Nursery site (Nursery Basin site). ABC Academy Pre-School is located at 176 Tunstead Avenue in San Anselmo, and Little Sprouts Daycare is located at 150 Pine Street in San Anselmo. Although these are both private facilities, they are approximately 950 feet to the southwest of the Downtown San Anselmo site, and are mentioned here due to proximity to the Project site. There are four public libraries in Ross Valley (County of Marin, 2018).

4.13.1.2 Utilities

Water Supply

The Marin Municipal Water District (MMWD) provides drinking water to 189,900 customers over 147 square miles of urban area in Marin County (MMWD, 2017). Three-fourths of MMWD's supply comes from the local watershed and is stored in reservoirs, while the remaining water comes via pipeline from the Russian River in Sonoma County (Marin County Community Development Agency, 2007).

The water supply lines near the Nursery Basin site are those under Deer Creek Court and Sir Frances Drake Boulevard (refer to **Figure 4.13-1**). At the Downtown San Anselmo site, there is a supply line running under San Anselmo Avenue (refer to **Figure 4.13-2**). At both Project sites, the water supply pipelines are in streets that run parallel to the sites, not directly under or through them. There is no conflict with the MMWD utilities at the Nursery Basin site, but the 8-inch polyvinyl chloride pipe that runs along San Anselmo Avenue will need to be more precisely located during the detailed topography survey to be completed during subsequent design stages (CH2M, 2017).

Wastewater Management Services

Central Marin Sanitation Agency (CMSA) provides wastewater treatment for households and businesses in the Project area. CMSA was formed in 1979 after the San Rafael Sanitation District, Sanitary District No. 1 of Marin County, Sanitary District No. 2 of Marin County, and the City of Larkspur entered into a Joint Powers Agreement (CMSA, 2017). CMSA operates the largest wastewater treatment facility in Marin County, treating and discharging approximately 6 billion gallons of wastewater each year (CMSA, 2017).

The Ross Valley Sanitary District operates and maintains a system of sewer lines and pump stations throughout the Project area to collect, pump, and transport wastewater to the CMSA wastewater treatment plant for treatment and disposal (Ross Valley Sanitary District, 2017). A sewer line runs parallel to, but outside of the Nursery Basin site boundary (**Figure 4.13-3**). At the Downtown San Anselmo site, an 18-inch reinforced concrete pipe runs along and underneath San Anselmo Avenue, but is outside the Project site except for a manhole that is shown within the site (**Figure 4.13-4**). This manhole will need to be located and shown on the detailed topography survey to be completed during subsequent design stages (CH2M, 2017).

Solid Waste Management Services

Residential and commercial solid waste disposal services in the Project area are provided by Marin Sanitary Service. Redwood Landfill and Recycling Center in Novato serves as the regional waste disposal center for the North Bay, including the Project area.

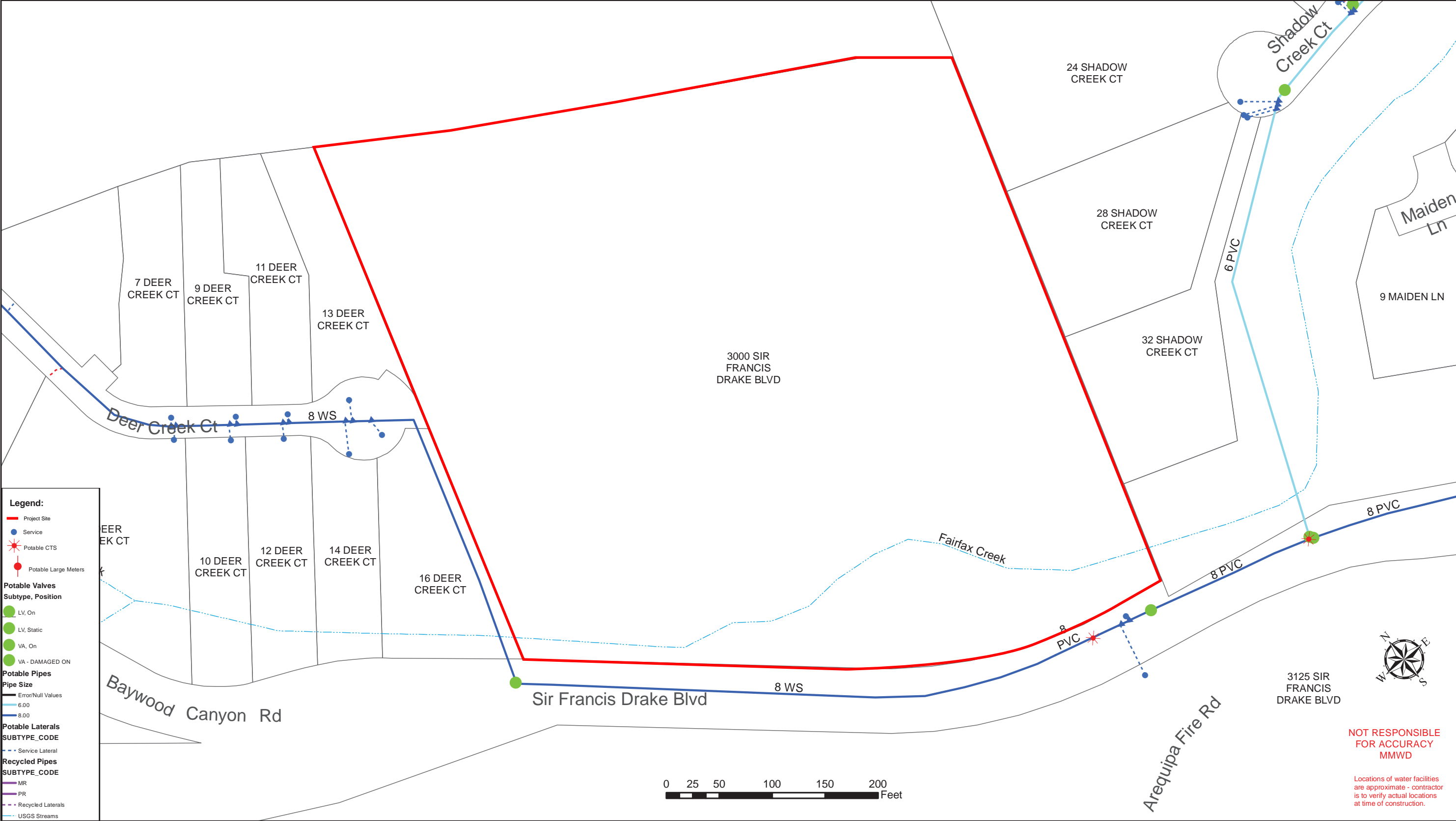
The Marin Hazardous and Solid Waste Management Joint Powers Authority, referred to as Zero Waste Marin, ensures Marin County's compliance with state recycling mandates and provides residents and businesses with information on household hazardous waste collection, recycling, composting, and waste disposal (Zero Waste Marin, 2015a). Zero Waste Marin was formed by the County of Marin and its incorporated cities and towns (Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, Tiburon). It was formed in 1996 to ensure the County's compliance with the waste diversion disposal goals mandated by California's Integrated Waste Management Act. Zero Waste Marin worked in partnership with County agencies, private waste haulers, and facility operators to develop and implement the Integrated Waste Management Plan to comply with state mandates (Zero Waste Marin, 2015b).

Electricity and Natural Gas

California's major sources of energy are petroleum products (i.e., gasoline, diesel, and oil), electricity, and natural gas. The California Energy Commission (CEC) indicates that California crude resources in 2016 came from in-state (34.10 percent), Alaska (11.41 percent), and foreign sources (54.49 percent) (CEC, 2016a). In 2015, California's in-state energy generation plus net imports totaled 295,405 gigawatt hours. Energy generation by source included hydroelectric (5 percent), nuclear (6 percent), natural gas (40 percent), and renewable (15 percent), as well as coal and other imports (34 percent) (CEC, 2016b).

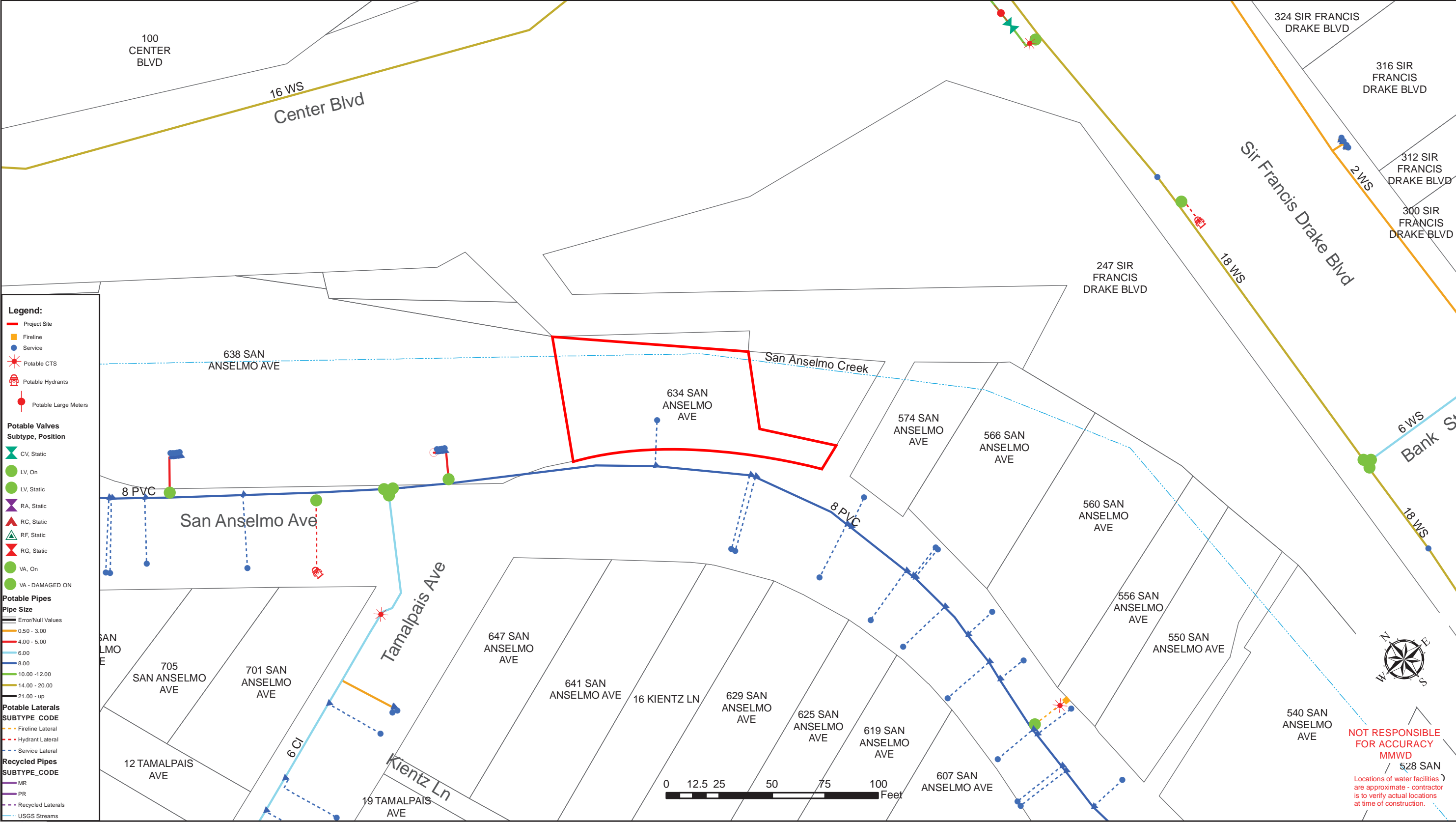
In Marin County, electricity and natural gas service is provided by Pacific Gas and Electric Company (PG&E). PG&E's 2016 electric power mix consisted of renewable (33 percent), greenhouse gas-free nuclear (24 percent), natural gas (17 percent), greenhouse gas-free large hydroelectric (12 percent), and unspecified (13 percent) (PG&E, 2016). As of July 2015, solar has been installed at 4,308 sites within Marin County with a combined capacity of 26,576 kilowatts (Marin County, 2015). Within Ross Valley, there is no energy generated with the exception of residential scale solar and solar energy systems at government facilities.

Electricity and natural gas are distributed in Marin County by PG&E. Electricity and natural gas are transported into the County through high powered electrical transmission lines and natural gas pipelines. An overhead electrical line extends across the Nursery Basin site along with overhead support structures (refer to **Figure 4.13-5**). In downtown San Anselmo, a gas main runs along San Anselmo Avenue, with lateral gas lines providing service to the property on the west side of 636 San Anselmo Avenue, outside of the Project area. There is a lateral gas line extending from the mainline to service the buildings at 634 and 636 San Anselmo Avenue along the southwest Project limits. Two electrical overhead utility lines and electrical structures are within the Project area. One electrical utility line stretches perpendicular to San Anselmo Avenue into the Project area and the second line runs parallel along San Anselmo outside of the Project area (refer to **Figure 4.13-6**).



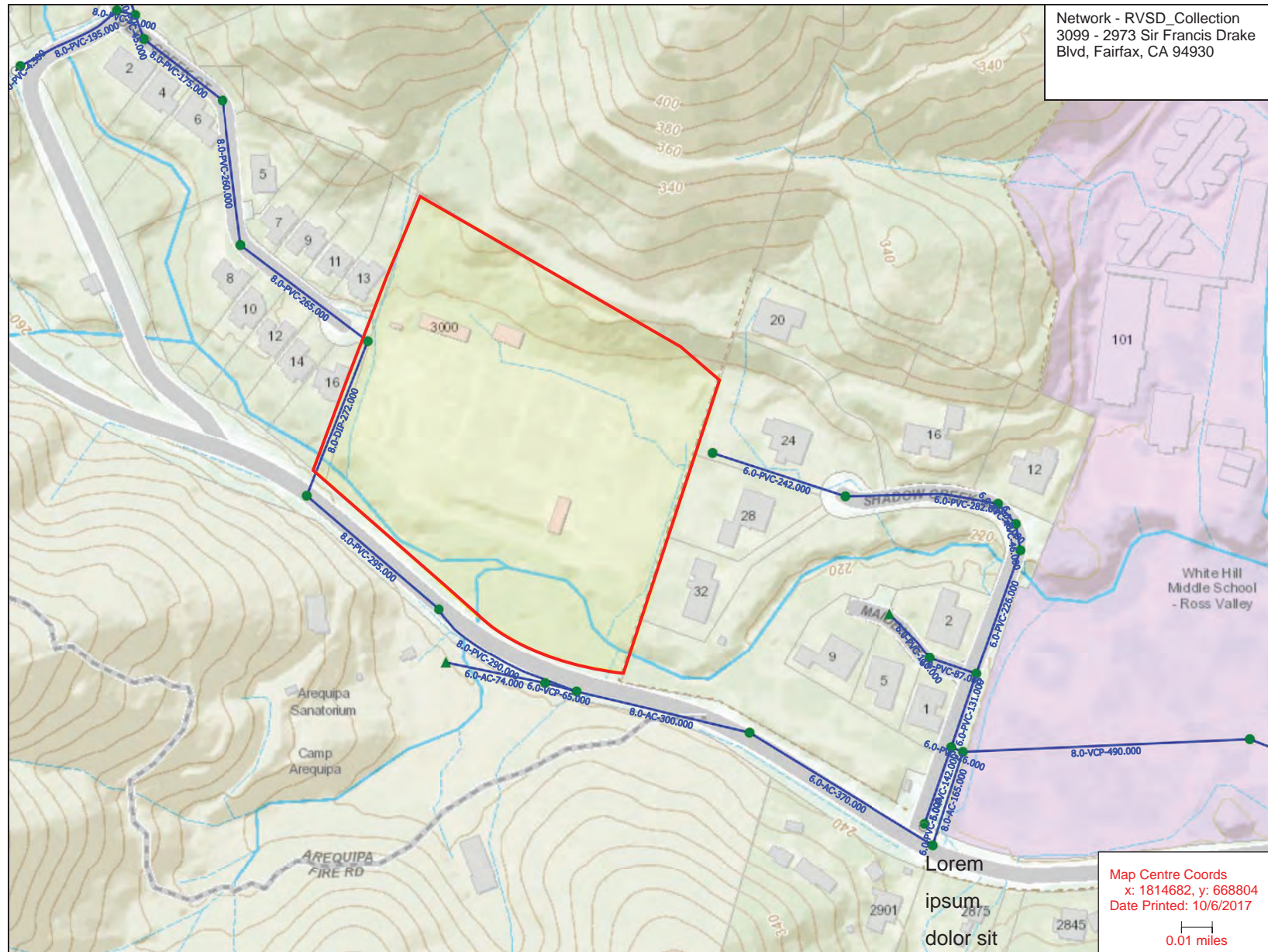
SOURCE: Marin Municipal Water District

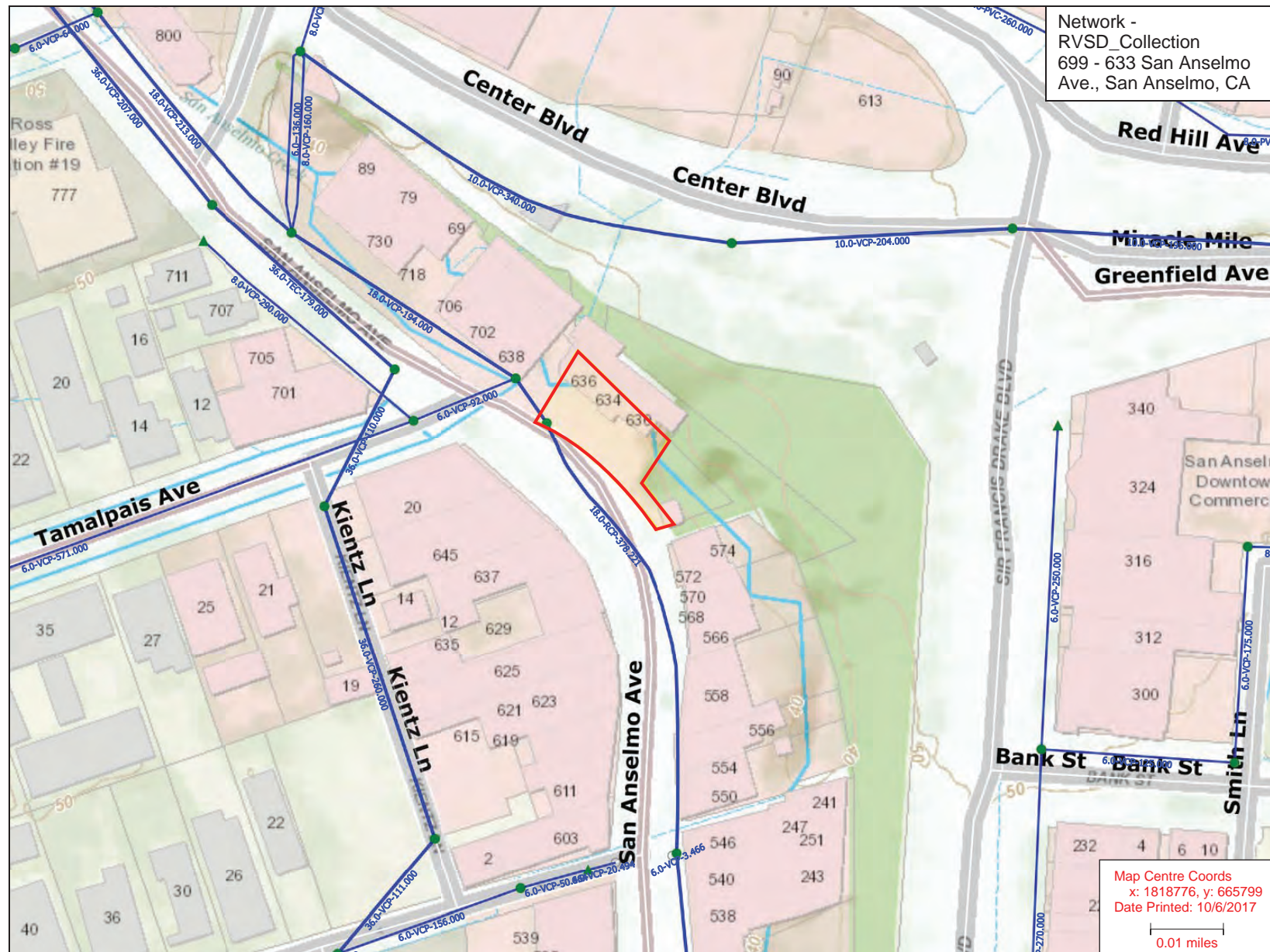
San Anselmo Flood Management Project . D211432.07
Figure 4.13-1
MMWD Water Lines near the Nursery Basin Site



SOURCE: Marin Municipal Water District

San Anselmo Flood Management Project . D211432.07
Figure 4.13-2
MMWD Water Lines near the Downtown San Anselmo Site





SOURCE: InfoNet

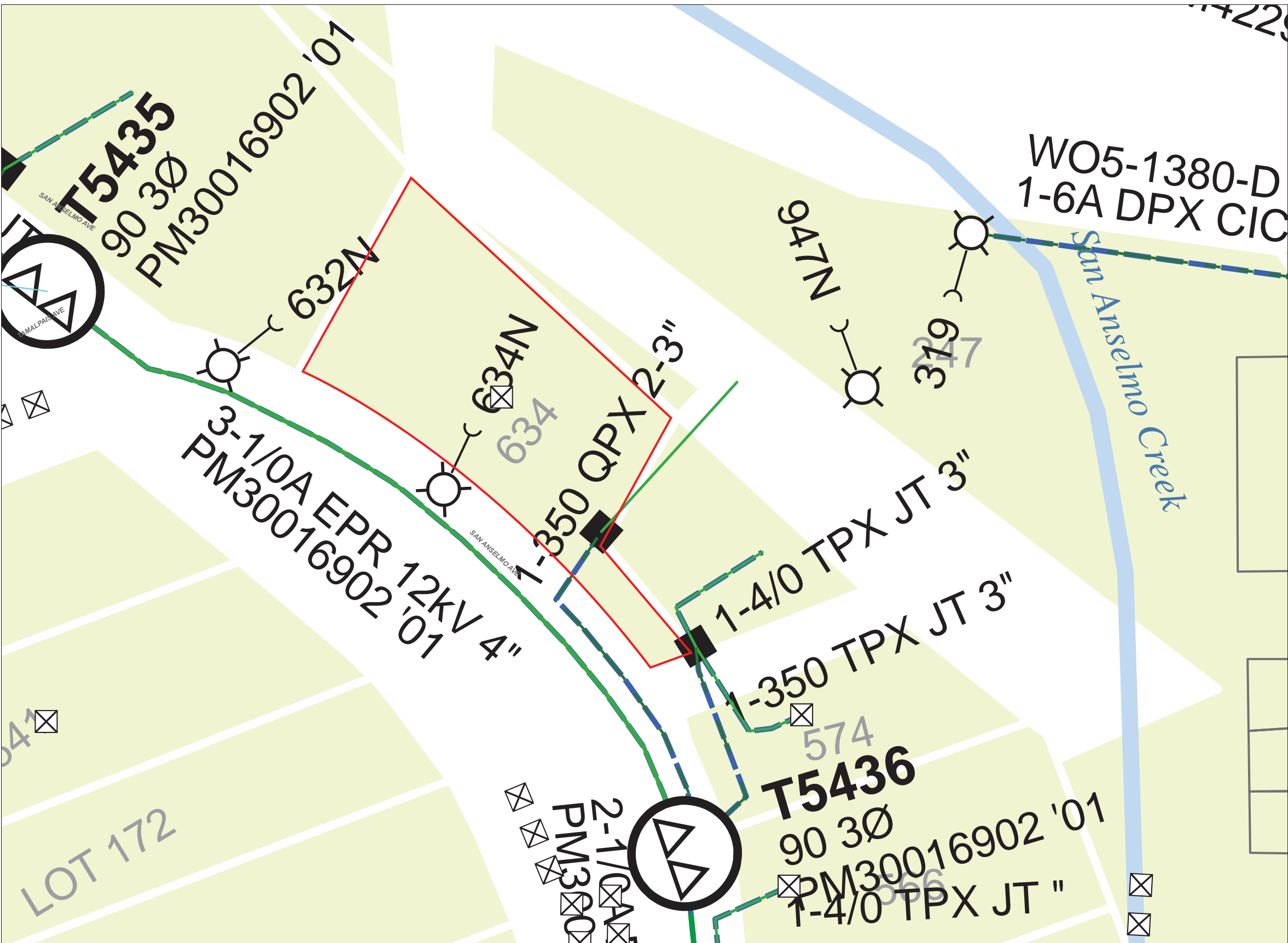
San Anselmo Flood Management Project . D211432.07

Figure 4.13-4
RVSD Sewer Lines near the Downtown San Anselmo Site



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- Legend
- Project Site
 - PG&E Overhead Power Lines
 - PG&E Underground Power Lines



SOURCE: PG&E

San Anselmo Flood Management Project . D211432.07

Figure 4.13-6
PG&E Power Lines near the Downtown San Anselmo Site

Communication Systems

Existing communication services (including cable, telephone, and internet services) in the Project area are provided by Comcast, AT&T, and Zayo. There is a conduit adjacent to the Nursery Basin site that is owned by AT&T and used by Zayo for its utilities. The conduit runs underground alongside Sir Francis Drake Boulevard, outside of the Project site and the alignment of Fairfax Creek (CH2M, 2017). At the Downtown San Anselmo site, underground AT&T utility lines and conduits and two manholes are located within the Project disturbance limit. The AT&T conduit and underground utilities servicing 634 and 636 San Anselmo Avenue would be unnecessary following building removal.

4.13.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.13.2.1 Federal Regulations

Although there are multiple federal laws, statutes, and regulations that would generally apply to the Project, the federal government and its agencies have delegated the authority to implement and satisfy those requirements relevant to public services and utilities to the state of California and its agencies, as discussed below.

4.13.2.2 State Regulations

Public Services

California Master Mutual Aid Agreement

The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services and facilities, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of rescue, relief, evacuation, rehabilitation, and reconstruction.

California Fire Code

State fire regulations are set forth in Sections 13000, et seq. of the California Health and Safety Code, which includes regulations concerning building standards (as set forth in Title 24 of the California Code of Regulations, the California Building Code), fire protection and notification systems, fire protection devices (such as fire extinguishers and smoke alarms), high-rise building and child care facility standards, and fire suppression training.

Utilities

2016 California Green Building Standards Code

Section 5.408, *Construction Waste Reduction, Disposal, and Recycling*, of the 2016 California Green Building Standards Code requires nonresidential development to recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, or meet a

local construction and demolition waste management ordinance, whichever is more stringent. The Marin County Building Code (Municipal Code Chapter 19.04) adopts the California Green Building Code of 2016, with exceptions, additions, and deletions as provided in Marin County Municipal Code Section 19.04.110 et seq. The Marin County Municipal Code does not include revisions to California Green Building Code Section 5.408.

Pursuant to Section 5.408, a construction waste management plan must be prepared that includes the construction and demolition waste materials to be diverted and how they will be sorted, the amount of construction and demolition waste materials diverted (calculated by weight or volume), and diversion facilities where construction and demolition waste materials will be taken. In addition to requiring that a minimum of 65 percent of nonhazardous waste is diverted, 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing must be reused or recycled, unless the soil or vegetation is contaminated by disease or pest infestation.

California's Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30), enacted through Assembly Bill 939 and modified by subsequent legislation, requires all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by the year 2000 and establishes the goal of diverting at least 75 percent of generated waste (based on per capita disposal rates) by 2020.¹ A jurisdiction's diversion rate is the percentage of its total waste that a jurisdiction diverts from disposal through reduction, reuse, and recycling programs.

The law requires all California counties in coordination with their respective cities to develop and implement integrated waste management plans. As part of their integrated waste management plans, counties must ensure that a minimum of 15 years of disposal capacity is available to serve the county and its cities. Since 2007, the achievement of waste diversion rates has been measured based on per capita disposal rates, expressed in pounds per person per day of wastes disposed of in landfills. To achieve the target waste diversion rates, the California Department of Resources Recycling and Recovery (CalRecycle) established a target disposal rate of 7.6 pounds per person per day in Marin County in 2015.²

California Energy Commission

The CEC was established by the Warren-Alquist Act in 1974 and is the State's primary energy policy and planning agency (CEC, 2015). The CEC has five major responsibilities: forecasting future energy needs and keeping historical energy data; licensing thermal power plants 50 megawatts or larger; promoting energy efficiency through appliance and building standards; developing energy technologies and supporting renewable energy; and planning for and directing state response to energy emergencies.

¹ California Public Resources Code Division 30, Sections 40000-49620.

² CalRecycle, Jurisdiction Diversion/Disposal Rate Detail for Marin County, Reporting Year 2015. Available online at <http://www.calrecycle.ca.gov/LGCentral/Reports/jurisdiction/diversiondisposal.aspx>. Accessed on April 12, 2018.

Administered by the CEC, the California Energy Action Plan (EAP) was adopted in 2003 and a second EAP was adopted by both the CEC and the California Public Utilities Commission (CPUC) in 2005 (CEC, 2017). The EAP established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are achieved and provided through policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and taxpayers. Also, incorporated in the EAP are specific actions reflecting the importance of transportation fuels to California's economy and the need to mitigate the environmental impacts caused by their use, as well as the importance of taking actions in the near term to mitigate California's contributions to climate change from the electricity, natural gas, and transportation sectors. In 2008, the EAP was updated to expand on the State's actions in the context of global climate change and include the passage of Assembly Bill 32, the California Global Warming Solutions Act of 2006 (CEC, 2017).

California Public Utilities Commission

The CPUC was established in 1911 as the Railroad Commission and was expanded in 1912 to regulate privately owned electric, natural gas, telecommunications, water, railroad, and marine transportation companies, including PG&E. The CPUC ensures that consumers receive safe and reliable utility services at reasonable rates, protects against fraud, and promotes the health of California's economy (CPUC, 2017).

California Independent System Operator

The California Independent System Operator was established in 1998 and is a non-profit organization that independently manages the flow of electricity in California. It provides open access to the grid, ensuring equal access and a competitive energy market. In addition, it facilitates over 28,000 market transactions each day to ensure that enough power is available to meet demands (California Independent System Operator, 2017).

4.13.2.3 Local Regulations

Marin Municipal Code

Chapter 16.16 Uniform Fire Code of the Marin municipal code establishes requirements for storage of flammable liquids and materials as well as the duties of the fire prevention bureau of the Marin County Fire Department.

Marin Countywide Plan

The following goals and policies in the Marin Countywide Plan are relevant to the Project (Marin County Community Development Agency, 2007).

Public Facilities and Services

1. Policy PFS-2.1: Conserve Water and Utilize Sustainable Sources
2. Policy PFS-2.3: Manage Water Resources Sustainably
3. Policy PFS-4.1: Reduce the Solid Waste Stream

Goal PFS-1: Adequate Public Facilities and Services. Provide basic public facilities to accommodate the level of development planned by cities and towns and the County.

Policy PFS-1.1: Require Cost-Sharing. Require new development to pay for the infrastructure it requires and the public services it receives.

Policy PFS-1.2: Plan Effectively to Minimize Costs. Plan public facilities in cooperation with service providers to minimize short- and long-term construction, operation, and maintenance costs.

Policy PFS-1.3: Discourage Privatization and Commercialization. Encourage public ownership of utilities and public service facilities by not authorizing privatization of water, sewer, law enforcement, emergency service, school, and other essential services. Consider prohibiting corporate sponsorship and commercially driven naming rights of public facilities and lands as a means to fund maintenance and improvements.

Policy PFS-1.4: Reduce Demand on Public Facilities. Reduce per capita and total demand for water and wastewater treatment, and enhance stormwater management through integrated and cost-effective design, technology, and demand reduction standards for new development and redevelopment.

Goal PFS-2: Sustainable Water Resources. Assure a reliable, sustainable water supply for existing and future development while protecting the natural environment.

Policy PFS-2.2: Mitigate Increased Water Demand in New Development. Work with local water agencies to mitigate increases in water demand due to new development by supporting water efficiency programs that decrease demand by a similar amount.

Policy PFS-2.3: Manage Water Resources Sustainably. Manage water resources to ensure equitable amounts of clean water for all users, to support wildlife habitat, and to preserve natural resources within the sustainable limits of water supplies (See also the Natural Systems and Agriculture Element, Water Resources Section of the Marin Countywide Plan).

Goal PFS-3: Reduction, Safe Processing, and Reuse of Wastewater. Continue to enhance the Alternative Onsite Wastewater Monitoring Program. This program ensures the proper operation of alternative and innovative wastewater system designs. Continue to work with manufacturers, designers, installers, end users, and the Regional Water Quality Control Board to evaluate the effectiveness and capabilities of these alternatives to traditional septic system designs. Work with stakeholders to periodically update design guidelines and regulations in light of evolving best practices.

Policy PFS-3.1: Reduce Toxics in Wastewater. Minimize the potential for pollution to water and other resources from sewage treatment.

Policy PFS-3.2: Promote Alternative Wastewater Systems. Enhance water quality through use of alternative wastewater treatment methods.

Policy PFS-3.3: Reduce Stormwater Volume. Implement appropriate upstream water-saving technologies to reduce stormwater volumes and increase percolation. Increase permeable surfaces and encourage onsite percolation to reduce stormwater volume and potential overflow of wastewater treatment facilities.

Goal PFS-4: Efficient Processing and Reduced Landfill Disposal of Solid Waste. Minimize, treat, and safely process solid waste materials in a manner that protects natural

resources from pollution while planning for the eventual reuse or recycling of discarded material to achieve zero waste.

Policy PFS-4.1: Reduce the Solid Waste Stream. Promote the highest and best use of discarded materials through redesign, reuse, composting, and shared producer responsibility. Emphasize a closed-loop system of production and consumption.

Policy PFS-4.2: Protect Environmental Health. Require the use of waste processing and disposal techniques that prevent the contamination or other impairment of natural resources.

Policy PFS-4.3: Plan for Waste Transformation or Disposal. Plan for the transformation or elimination of waste materials that cannot be reduced, recycled, or composted.

Policy PFS-4.4: Promote Regulatory Efforts. Support state legislative or regulatory efforts that will aid in achieving zero waste.

Goal PS-3: Effective Emergency and Disaster Preparedness. Provide proper emergency and disaster preparedness services through effective and coordinated emergency management plans and procedures.

Policy PS-3.1: Plan Thoroughly for Emergencies. Ensure that the County, its citizens, businesses, and services are prepared for effective response and recovery in the event of emergencies or disasters.

Policy PS-3.2: Safe Public Structures. Protect public health and safety through appropriate siting and rehabilitation of public facilities.

Public Safety

Goal PS-1: Safe Neighborhoods. Ensure that county neighborhood remains safe places to live.

Policy PS-1.2: Improve Infrastructure to Discourage Crime. Remedy any public facilities with problems that might encourage criminal activity, such as low lighting and blind spots that result from landscape features or fences.

Policy PS-1.3: Analyze Implications of Sea Level Rise for Neighborhood Safety. Analyze potential safety implications from sea level rise and prepare contingency plans in consultation with the Marin Disaster Council.

Goal PS-3: Effective Emergency and Disaster Preparedness. Provide proper emergency and disaster preparedness services through effective and coordinated emergency management plans and procedures.

Policy PS-3.1: Plan Thoroughly for Emergencies. Ensure that the County, its citizens, businesses, and services are prepared for effective response and recovery in the event of emergencies or disasters.

Town of San Anselmo General Plan

The following goals and policies in the Town of San Anselmo are relevant to the Project (Town of San Anselmo, 2015).

Issue: Future Development and Public Utilities and Services

Objective 12: To maintain the current level of public services to the citizens of the Town and to continue to support improvements to public utilities as needed.

Policy 12.1: To work with the special districts that provide water, sewer, and fire protection services in order to maintain and improve the present level of service.

Town of Fairfax General Plan

The Project would be outside of the limits of the Town of Fairfax, but some content from its General Plan is provided here for informational purposes.

Goal LU-5: Manage future growth while preserving the area's natural resources.

Policy LU-5.1.2: Development shall be discouraged in areas not served by existing utilities.

Goal LU-6: Annex developed and undeveloped lands where advantageous to the Town.

Objective LU-6.1: Provide for orderly annexation within the Fairfax Planning Area where provisions for services and utilities exist.

4.13.3 Impacts and Mitigation Measures

4.13.3.1 Significance Criteria

Consistent with Appendix G of the State CEQA *Guidelines*, and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact on public services or utilities if it would:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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 following public services:
 - i. Fire protection
 - ii. Police protection
 - iii. Schools
 - iv. Parks; or
 - v. Other public facilities.
- b) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- c) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;

- d) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- e) Have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements;
- f) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- g) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or
- h) Fail to comply with federal, state, and local statutes and regulations related to solid waste.

Regarding impacts on parks, refer to Chapter 4, Section 4.14, Parks and Recreation. Chapter 4, Section 4.15, Transportation and Circulation, evaluates emergency access during construction.

The following topics are not analyzed further in this section for the reasons described below:

1. **Exceedance of Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board.** During Project construction, new sources of wastewater discharges would include wastewater resulting from sanitary needs of construction workers. As described in Chapter 3, *Project Description*, the maximum construction work force would be approximately 60 workers per day. Assuming that each worker would generate 2.81 gallons per day of wastewater,³ the total increase in wastewater volumes would be less than 0.001 mgd, an increase well within the dry weather capacity of the existing wastewater system. The Project would not generate wastewater during operations as no staffed operational facilities are proposed as part of the Project. For these reasons, this criterion is not applicable to this Project.
2. **Require or Result in the Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Effects.** As discussed in Chapter 4, Section 4.12, Population and Housing, the Project would not induce population growth either directly (by constructing housing) or indirectly (by reducing flood risk in currently undeveloped areas into which additional housing could be built). In addition, no staffed operational facilities requiring water are proposed as part of the Project. For these reasons, this criterion is not applicable to the Project.
3. **Require or Result in the Construction of New Stormwater Drainage Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Effects.** The Project consists of stormwater flood risk reduction in Ross Valley watershed, including construction of a stormwater detention basin adjacent to a diversion structure within Fairfax Creek, along with associated stormwater drainage structures connecting the detention basin drain to Fairfax Creek. Refer to other sections in Chapter 4 for a description

³ This calculation is based on compliance with the 2013 California Green Building Code water use baseline values provided in Table 5.3003.2.2 of the code. Construction workers are assumed to flush twice per day and the water use includes 1.28 gallons per flush and use of 0.125 gallons per flush for handwashing. The total per construction worker water use for sanitary purposes is 2.81 gallons per day.

of impacts and mitigation measures associated with construction and operation of stormwater management facilities associated with this Project.

4. **Have Insufficient Water Supply Available from Existing Entitlements and Resources, or Require New or Expanded Water Supply Resources or Entitlements During Construction.** During construction, the Project would intermittently use water for dust control, pressure washing, and cement mixing. Construction would also use relatively small amounts of potable water for some site needs such as drinking water, hand-washing, and other on-site sanitary needs. The small increase in potable water use would be temporary, terminating with the completion of construction. Water supplies are planned such that short-term spikes in potable use can be accommodated and there would be no need for new or expanded water supplies or water treatment facilities. As described in Chapter 4, Section 4.12, Population and Housing, the Project would not induce growth either directly or indirectly. No staffed operational facilities requiring water are proposed as part of the Project. For these reasons, this criterion is not applicable to the Project.
5. **Result in a Determination by the Wastewater Treatment Provider that Would Serve the Project that it has Inadequate Capacity to Serve the Project's Projected Demand in Addition to the Provider's Existing Commitments.** During Project construction, new sources of wastewater discharges would include wastewater resulting from sanitary needs of construction workers. As described in Chapter 3, *Project Description*, the maximum construction work force would be approximately 60 workers per day. Assuming that each worker would generate 2.81 gallons per day of wastewater,⁴ the total increase in wastewater volumes would be less than 0.001 mgd, an increase well within the dry weather capacity of the existing wastewater system. The Project would not generate wastewater during operations as no staffed operational facilities are proposed as part of the Project. For these reasons, this criterion is not applicable to this Project.

4.13.3.2 Approach to Analysis

This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations for the Project are assessed based on the existing conditions described earlier in this section.

Public Services

The Project could have a significant impact on public services if (1) it would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services, *and* (2) the construction or alteration of such facilities would result in one or more substantial adverse impacts on the environment.

The impact analysis below first considers whether the Project would require the construction of new or altered governmental facilities (beyond those included in the Project) in order to maintain acceptable performance standards for public services. If new or altered public service facilities are determined to be required to serve the Project, then the analysis evaluates whether construction of

⁴ This calculation is based on compliance with the 2013 California Green Building Code water use baseline values provided in Table 5.3003.2.2 of the code. Construction workers are assumed to flush twice per day and the water use includes 1.28 gallons per flush and use of 0.125 gallons per flush for handwashing. The total per construction worker water use for sanitary purposes is 2.81 gallons per day.

such facilities would have a substantial adverse physical effect on the environment. For example, if the Ross Valley Fire Department determined that a new fire station would need to be constructed to maintain adequate service levels for fire protection, the impact analysis would evaluate whether construction or operation of the new fire station would have significant impacts on the physical environment.

For purposes of this impact analysis, the improvements are assumed to be designed and constructed in compliance with all applicable building and fire codes, which include requirements for fire alarms, smoke detectors, sprinkler systems, fire extinguishers, and the number and location of exits.

Utilities

This section provides an analysis of the potential for Project implementation to adversely affect landfill capacity and compliance with solid waste regulations. It also assesses whether the Project would require the construction of new utility infrastructure or relocation of existing infrastructure, the implementation of which may result in adverse environmental effects. For landfill capacity and compliance with solid waste regulations, the analysis compares the quantity of solid waste that would be generated, adjusted to reflect applicable waste diversion regulations, with available landfill capacity. The utility analysis included field surveys of the existing utility infrastructure at each of the Project sites and an assessment of the extent of relocation needed.

4.13.3.3 Impacts and Mitigation Measures

Impact 4-13-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or increase the demand for new or increased staff and/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 public services including, fire protection, police protection, schools, or other public facilities. (*Less than Significant*)

Construction

The two Project areas currently receive services from the providers identified in Section 4.13.1, Environmental Setting. As described in Chapter 3, *Project Description*, construction of each Project element would occur over a period of several months at each site and would employ an average of 20-30 construction workers. Construction workers likely would come from within Marin County and other Bay Area counties. Construction workers who are residents of Marin County are currently being served by the existing county and individual city/town services, and thus would not represent an increase in demand for these services. While it is possible that some workers might temporarily relocate from other areas, the Project is not expected to result in a substantial increase in the local population (as described in Section 4.12, Population and Housing) and thus not expected to result in increased response times such that new or physically altered facilities would be required to maintain service. Incidents could occur during construction requiring law enforcement, fire protection, or emergency medical services. However, this analysis presumes that any incremental increase in demand for these services during construction would be temporary, could be accommodated by existing services, and would not require construction of new or physically altered

facilities to maintain service. Therefore, the impact of Project construction on public services would be less than significant.

Operation

The Project does not involve the construction of residences or businesses and would not result in increased maintenance staff; consequently, the Project would not result in a permanent increase in the local population (see Section 4.12, Population and Housing). Project elements would be constructed in compliance with all applicable fire codes and public safety standards, and the Project would reduce the depth of flooding in the Project area during operation. No governmental facilities would be flooded beyond flooding that currently occurs; therefore, there would be no need for governmental facilities to be replaced. Operation of the Project thus would not result in substantial increases in demand for public services, including law enforcement, fire protection, emergency medical services, schools and other services. Therefore, operation of the Project would not require new or physically altered governmental facilities, and the impact of Project operation would be less than significant.

Because Project construction would not result in a substantial increase in the local population and Project operation would not result in any permanent increase in the local population, the impact of construction and operation of the Project on public services would be less than significant.

Mitigation: None required.

Impact 4.13-2: The Project's demand for solid waste disposal would not exceed the permitted capacity of a suitable landfill. (*Less than Significant*)

Construction

The Project would generate solid waste requiring disposal from the excavation and other earthwork activities at the Nursery Basin site. Construction activities at that site would also include tree removal and demolition of the residential structure and any remaining nursery structures at the site. At the Downtown San Anselmo site, the demolition of the building and the removal of concrete and other material from the creek channel would also generate solid waste requiring disposal. Material types to be disposed of are expected to include dirt, soil, rock, concrete, wood (trees and construction wood), and other residential and commercial construction materials.

As described in Table 3-3 in Chapter 3, *Project Description*, the total volume of materials to be off-hauled and disposed of could be as high as approximately 30,000 cubic yards. The large majority of that is soil, however, that may be suitable for beneficial reuse at one or more restoration projects. For the purpose of this analysis, the conservative assumption is that all of the materials would need to be disposed of and not reused. Under that assumption, the operating solid waste disposal facility (including landfills) that would receive these materials is the Redwood Landfill and Recycling Center. The remaining capacity of this facility is 6,641,000 cubic yards (Waste Management, 2017).

There is thus adequate permitted capacity at the facility for the volumes and types of solid waste that would be generated. The construction contractor would be responsible for making arrangements for transportation of the off-hauled solid waste material to one or more of these facilities. The impact would be less than significant.

Operation

In its operational phase, the Project would generate new solid waste in the form of sediment that would be removed from the Fairfax Creek channel following deposition upstream of the diversion structure there. Other than that, the Project would not generate measurable volumes of material above the amounts that are already removed from creek channels as part of routine maintenance. Removal of sediment and other material from creek channels in the Ross Valley are regulated by the Marin County Stream Maintenance Program and its annual maximum permitted volume of removal. *Section 4.9, Hydrology and Water Quality* addresses the removal of sediment deposited behind the Fairfax Creek diversion structure. By complying with the Stream Maintenance Program's policies regarding allowable volumes of material, the Project would not exceed permitted capacities of available landfills. Much of the removed sediment may also be beneficially reused in appropriate restoration projects, further reducing the disposal burden on landfills. Other trash and debris removed during routine channel maintenance would be taken to Redwood Landfill and Recycling Center if it is non-hazardous and to a permitted hazardous waste facility if it hazardous in nature (Marin County Flood Control and Water Conservation District, 2017). The impact would be less than significant.

Mitigation: None required

Impact 4.13-3: The Project would comply with federal, state, and local statutes and regulations related to solid waste. (*Less than Significant*)

Construction

Redwood Landfill and Recycling Center, where disposal and recycling of construction and demolition debris would be taken, is permitted for all types of waste generated by Project construction. As discussed in Section 4.13.2, the California Integrated Waste Management Act of 1989 requires municipalities to divert at least 50 percent of all solid waste generated by the year 2000 and establishes the goal of diverting at least 75 percent of generated waste (based on per capita disposal rates) by 2020. In addition, the 2016 California Green Building Code (adopted by reference by Marin County) requires all construction and demolition projects to reuse or recycle at least 65 percent of materials generated, and Zero Waste Marin ensures Marin County's compliance with state recycling mandates and provides residents and businesses with information on household hazardous waste collection, recycling, composting, and waste disposal (Zero Waste Marin, 2015a).

Recycling construction and demolition debris helps local jurisdictions meet state and local waste diversion goals. Impact 4.8-2 in Section 4.8, Hazards and Hazardous Materials, details a Soil Management Plan that would include a materials disposal plan specifying how the construction

contractor shall remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. Project construction would be in compliance with state or local statutes related to solid waste, and this impact would be less than significant.

Operation

Once the Project is operational, it would generate no measurable volume of solid waste above the amounts that are already removed from creek channels as part of routine maintenance. Trash and debris removed during routine channel maintenance would be sent to permitted landfills for disposal (Marin County Flood Control and Water Conservation District, 2017). This disposal would not result in an inconsistency or violation of permit conditions at these facilities because the facilities are permitted and have adequate capacity to accept these non-hazardous wastes. Project operation would be in compliance with state or local statutes related to solid waste, and this impact would be less than significant.

Mitigation: None required

Impact 4.13-4. The Project would not require or result in the construction of new power, natural gas, or communications system facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (*Less than Significant*)

Construction

Implementation of the Project would require the use of energy resources for construction of the Nursery Basin and creek capacity improvements in downtown San Anselmo. This energy use would primarily be in the form of petroleum products and electricity used to operate construction equipment and consumed during vehicle trips associated with material delivery/debris hauling and commuting workers. Indirect energy use would also occur and include the extraction, production, and transportation of goods and materials needed for construction. Refer to Section 4.4, Energy, Mineral, Forest, and Agricultural Resources for further discussions related to energy use associated with the Project. Although the Project would result in increased energy usage during construction, local utilities and providers of fuel or power for construction equipment would have adequate energy supplies to serve the Project without development of new generation facilities. Impacts associated with the Project's use of energy during construction would therefore be less than significant.

Project construction would necessitate that some local utility lines be removed (e.g., the natural gas, electric, water and sewer lines serving 634-636 San Anselmo Avenue), and others may be relocated or decommissioned (e.g., the power line at the Nursery Basin site). These effects would be limited to small numbers of local utility lines serving the parcels that would be directly affected by Project construction itself, and would be taken as part of the overall Project construction. Refer to other sections in Chapter 4 of this environmental impact report for a description of impacts and mitigation measures associated with Project construction.

The Project would not necessitate any new utility infrastructure be constructed. Thus, the construction effects related to utilities would be less than significant.

Operation

In its operational phase, the Nursery Basin would provide a means to capture flows during a flood event, and the Downtown San Anselmo Element would have an increased creek capacity to allow a greater volume of water to flow in-channel. Operation of the Project elements would not result in the construction of new power, natural gas, or communication system facilities or expansion of existing facilities. Once removed or relocated during the construction phase, there would be no further utility-related effects from Project operation. The overall impact would be less than significant.

Mitigation: None required

4.13.4 References – Public Services and Utilities

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4.14 Parks and Recreation

This section presents and discusses the potential for the San Anselmo Flood Risk Reduction Project (Project) to adversely impact parks and recreational facilities and activities in the Project area. This section provides an overview of the physical and regulatory setting that applies to parks and recreation within the Project area and presents and discusses the potential Project impacts and appropriate mitigation measures, as necessary.

4.14.1 Setting

4.14.1.1 Regional Environmental Setting

The Project would take place at two locations in Marin County. The flood diversion and storage basin at the former Sunnyside Nursery site (Nursery Basin site) is in unincorporated Marin County, adjacent to the western boundary of the Town of Fairfax, and the Downtown San Anselmo site is in the Town of San Anselmo.

Both Project locations lie within the Corte Madera Creek Watershed, in which a varied range of recreational opportunities are available, including hiking, biking, picnicking, wildlife viewing, sightseeing, field sports, and other public enjoyment opportunities. While the two Project sites are specifically within the boundaries of two jurisdictional entities – the County of Marin and the Town of San Anselmo – recreational users are not restricted to using only those facilities that lie within their jurisdiction of residence. Rather, recreational users within the watershed regularly cross jurisdictional boundaries to enjoy recreational opportunities throughout the watershed. In addition, the recreational facilities within the watershed also attract a substantial number of users from other parts of the Bay Area. As such, the facilities within the watershed serve as both local and regional resources.

There are dozens of public parks in the watershed, including neighborhood parks, community parks and school playgrounds, as well as over 5,700 acres of open space including the Loma Alta Open Space Preserve and Marin Municipal Water District watershed lands. **Table 4.14-1** presents a list of parks and recreational facilities within the watershed. **Figure 4.14-1** shows the locations of the major parks, open space, and recreational facilities throughout the watershed area. It should be noted that based on the map's scale, not all of the recreational facilities within the watershed are shown on the figure.

4.14.1.2 Project-Specific Recreational Setting

Nursery Site

The Nursery Basin site is within an unincorporated portion of Marin County, immediately west of the Town of Fairfax. Recreational facilities in the immediate area consist of facilities within the Town of Fairfax to the east, as well as those within the unincorporated areas of the County to the west, north, and south. **Figure 4.14-2** shows recreational facilities within the immediate vicinity of the Nursery Basin site. Nearby facilities within the Town of Fairfax include Lefty Gomez Field, associated with White Hill Middle School, which is approximately 800 feet east of

**TABLE 4.14-1
PARKS AND RECREATIONAL FACILITIES LOCATED IN THE CORTE MADERA CREEK WATERSHED**

Name of Park or Facility	Park Type	Managing Agency
Adaline E. Kent Middle School	School Playground	Kentfield School District
Alto Bowl Open Space Preserve	Open Space	County Open Space District
Anthony G. Bacich Elementary School	School Playground	Kentfield School District
Bald Hill Open Space Preserve	Open Space	County Open Space District
Baltimore Canyon Open Space Preserve	Open Space	County Open Space District
Bike Path	Multi-Use Pathway (Paved)	City of Larkspur
Bike Path	Multi-Use Pathway (Paved)	City of Larkspur
Bike Trail	Multi-Use Pathway (Paved)	Town of Corte Madera
Blithedale Summit Open Space Preserve	Open Space	County Open Space District
Bolinas Park	Neighborhood Park	Town of Fairfax
Brookside School	School Playground	Ross Valley School District
Cal Park Hill	Multi-Use Pathway (Paved)	SMART
Camino Alto Open Space Preserve	Open Space	County Open Space District
Camp Bothin (Private)	Youth Center	Privately Owned
Cascade Canyon Open Space Preserve	Open Space	County Open Space District
Cibrian Subdivision Open Space	Open Space	Town of Tiburon
College of Marin	School Playground	Marin Community College District
Corte Madera Creek Path	Multi-Use Pathway (Paved)	County Parks
Corte Madera Open Space	Open Space	Town of Corte Madera
Corte Madera Railroad Row Path	Multi-Use Pathway (Paved)	County Parks
Creek Park	Neighborhood Park	Town of San Anselmo
Daycare (Private) and Multi-Use	School Playground	Ross Valley School District
Deer Park	School Playground	Ross Valley School District
Dolliver Park	Neighborhood Park	City of Larkspur
Faude Park	Neighborhood Park	Town of San Anselmo
Gary Giacomini Open Space Preserve	Open Space	County Open Space District
Granada School (Private)	School Playground	Reed Union School District
Greenbrae Redwoods	Open Space	County Parks
Greenbrae School Park	Neighborhood Park	City of Larkspur
Hal Brown Park	Community Park	County Parks
Hall Middle School	School Playground	Larkspur School District
Heatherwood Park	Neighborhood Park	City of Larkspur
Hidden Valley Elementary School	School Playground	Ross Valley School District
King Mountain Open Space Preserve	Open Space	County Open Space District
La Cresta Open Space	Open Space	Town of Tiburon
Lansdale Park	Neighborhood Park	Town of San Anselmo
Larkspur Lands	Multi-Use Pathway (Paved)	City of Larkspur

TABLE 4.14-1 (CONTINUED)
PARKS AND RECREATIONAL FACILITIES LOCATED IN THE CORTE MADERA CREEK WATERSHED

Name of Park or Facility	Park Type	Managing Agency
Loma Alta Open Space Preserve	Open Space	County Open Space District
Madera Gardens Lagoons	Boat Launch	Town of Corte Madera
Manor Elementary School	School Playground	Ross Valley School District
Marin Primary School (Private)	School Playground	Larkspur School District
Mission Pass Path	Multi-Use Pathway (Paved)	County Parks
Miwok Park	Neighborhood Park	City of Larkspur
Natalie Coffin Greene Park	Community Park	Town of Ross
Neighborhood Park	Neighborhood Park	City of Larkspur
Neil Cummins Elementary School	School Playground	Larkspur School District
Peri Park	Neighborhood Park	Town of Fairfax
Phoenix Lake and Trails	Open Space	Marin Municipal Water District
Piper Park	Community Park	City of Larkspur
Red Hill Park	Community Park	Tamalpais Union High School District
Redwood High School	School Playground	Tamalpais Union High School District
Remillard Park	Neighborhood Park	City of Larkspur
Ring Mountain Open Space Preserve	Open Space	County Open Space District
Robson-Harrington Park	Community Park	Town of San Anselmo
Ross Common Park	Community Park	Town of Ross
Ross School	School Playground	Ross School District
San Anselmo Community Center	Community Park	Town of San Anselmo
San Anselmo Memorial Park	Community Park	Town of San Anselmo
San Clemente Park	School Playground	Larkspur School District
San Rafael Open Space	Open Space	City of San Rafael
Shorebird Marsh	Community Park	Town of Corte Madera
Sir Francis Drake High School	School Playground	Tamalpais Union High School District
Sorich Ranch Park	Community Park	Town of San Anselmo
Terra Linda/Sleepy Hollow Divide	Open Space	County Open Space District
Tiburon Ridge	Open Space	County Open Space District
Town Park	Community Park	Town of Corte Madera
Wade Thomas Elementary School	School Playground	Ross Valley School District
While Hill Middle School, Lefty Gomez Field	School Playground	Ross Valley School District
White Hill Open Space Preserve	Open Space	County Open Space District

SOURCE: Town of Fairfax, 2012; Marin County Community Development Agency, 2007; Marin County Parks and Open Space Department, 2008; Town of San Anselmo, 2015; Town of Ross, 2007

the site. Park facilities in the Town of Fairfax include Bolinas Park and Peri Park, both of which are neighborhood parks on Bolinas Road immediately south of downtown Fairfax.

County recreational facilities near the Nursery Basin site include the Loma Alta Open Space Preserve, which is a 509-acre preserve to the immediate north of the site. White Hill Open Space Preserve is approximately one-half mile west of the site, and covers 390 acres of open space lands. Both of these facilities are managed by the Marin County Open Space District, and offer hiking, mountain biking, and horseback riding opportunities, while also maintaining important watershed management functions.

Downtown San Anselmo Element

The commercial building at 634-636 San Anselmo Avenue is within the Town's central commercial district in the heart of downtown. **Figure 4.14-3** shows recreational facilities within the immediate vicinity of the Downtown San Anselmo site. Parks and other facilities within the Town include Creek Park, which is a neighborhood park with grassy areas, large trees, and picnic tables and benches. Creek Park lies immediately across San Anselmo Creek from the Project site. Other parks in the Town include Faude Park, Lansdale Park, Memorial Park, Robson-Harrington Park, Sorich Ranch Park, Red Hill Park.

Faude Park is a 13.5-acre area of open space about one-half-mile northwest of downtown. Lansdale Park is a pocket park with a children's playground about one mile northwest of downtown. Memorial Park is also northwest of downtown, and is the Town's most developed park, with sports fields, grassy areas, tennis courts, outdoor facilities, and a children's playground. Robson-Harrington Park is on the grounds of the former home of an early-20th century lumber and shipping magnate, and includes extensive grounds for picnicking, and also a mansion that can be rented for events. Sorich Ranch Park is a 60-acre facility north of downtown in the San Anselmo Hills, which offers hiking trails and picnic facilities. Red Hill Park is approximately one-half mile north of the site and provides sports fields and a dog park.

In addition to the above Town-managed facilities, some of the school grounds within the Town offer recreational opportunities, such as playgrounds and sports fields.

4.14.2 Regulatory Setting

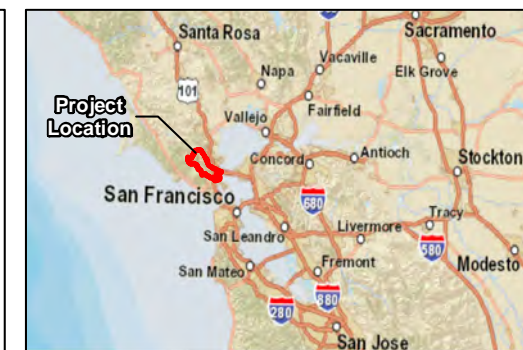
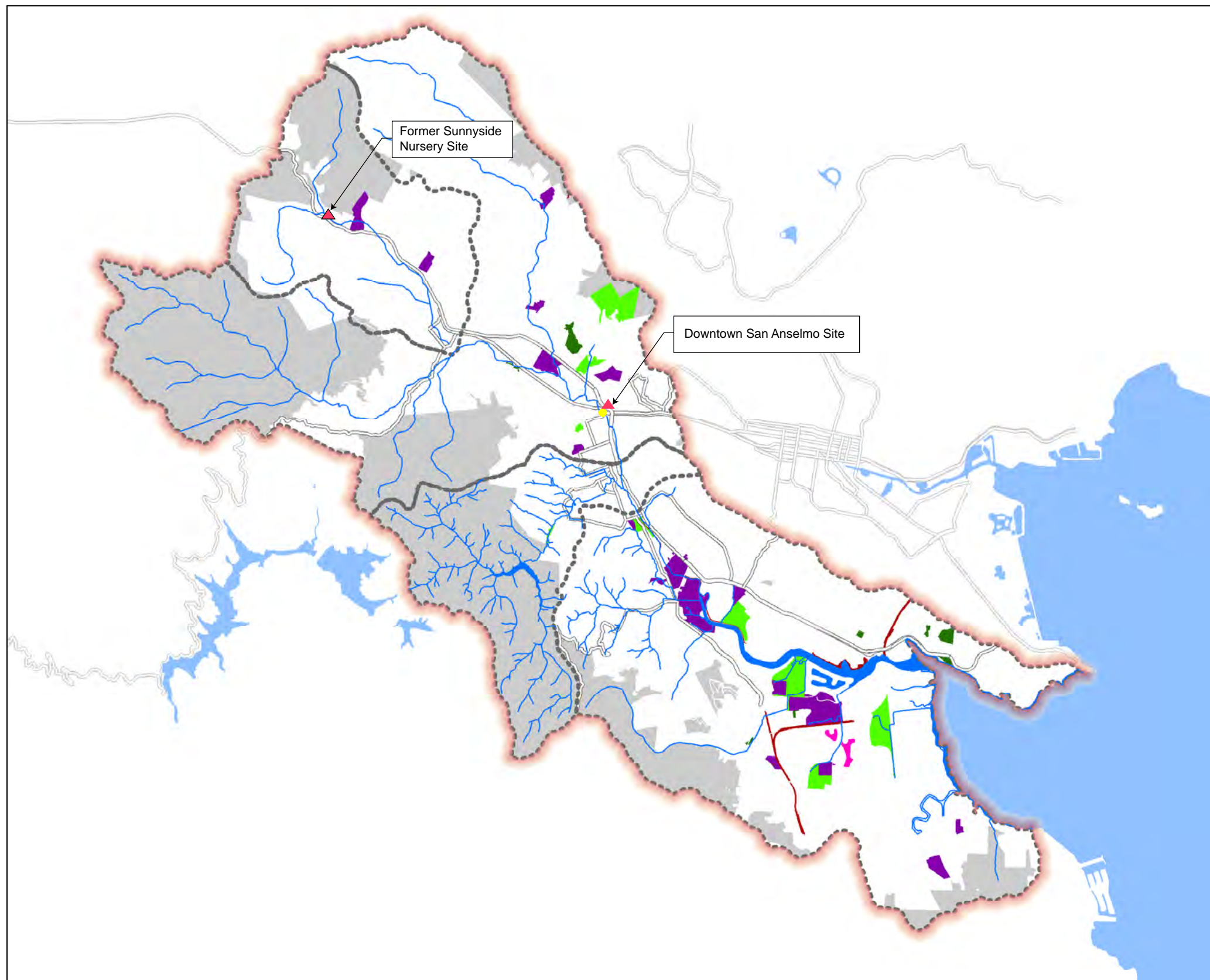
The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.14.2.1 Federal Regulations

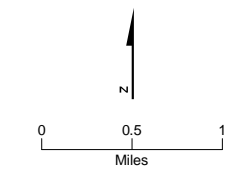
There are no federal parks and recreation regulations applicable to the Project.

4.14.2.2 State Regulations

There are no state parks and recreation regulations applicable to the Project.



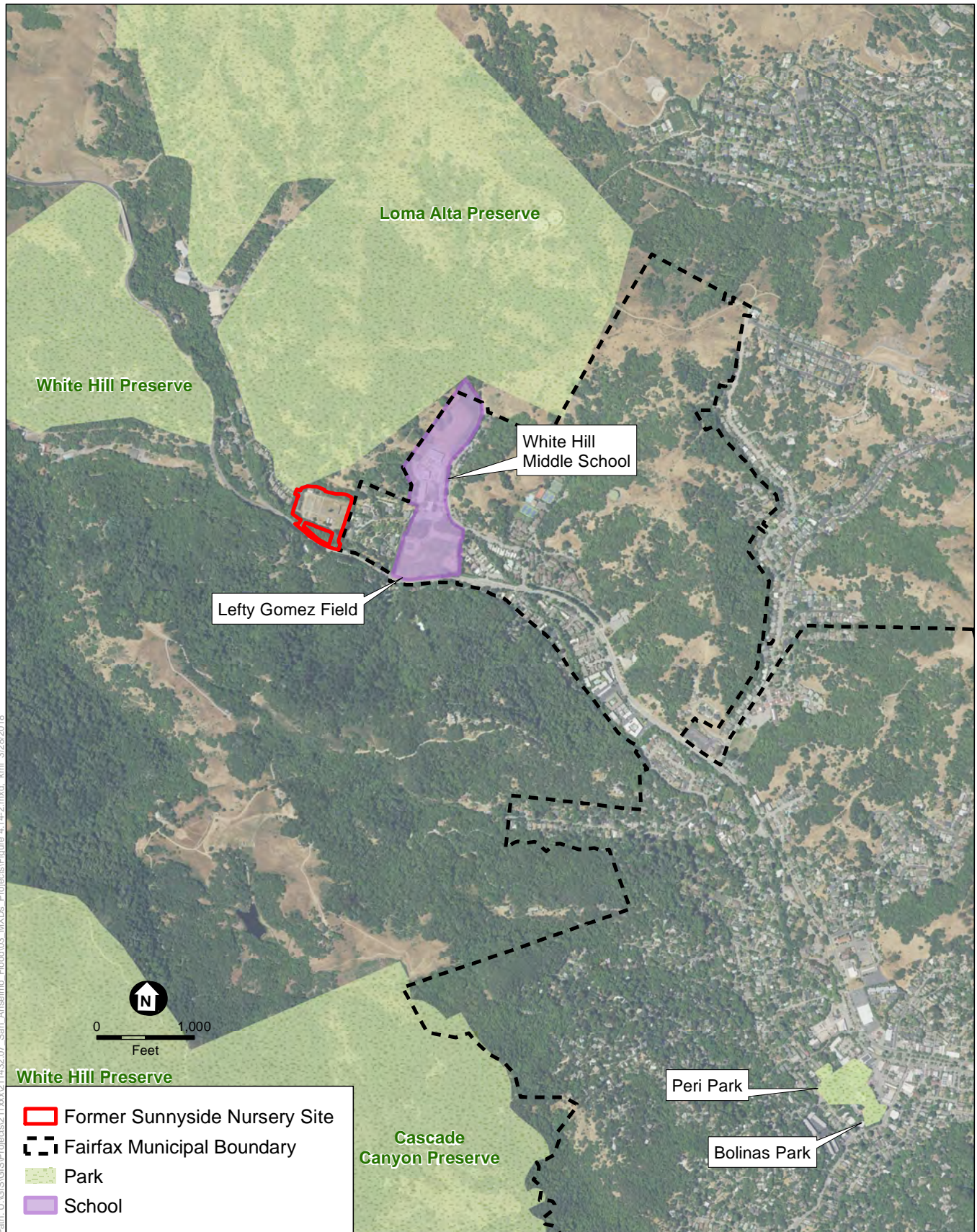
- LEGEND
- Corte Madera Creek Watershed
 - Boat launch
 - Community park
 - Multi-use pathway (paved)
 - Neighborhood park
 - Zoned Open Space/Area
 - School playground
 - Subwatershed Boundary



SOURCE: Ch2m

San Anselmo Flood Management Project . D211432.07
Figure 4.14-1
 Parkland and Recreational Facilities in Ross Valley

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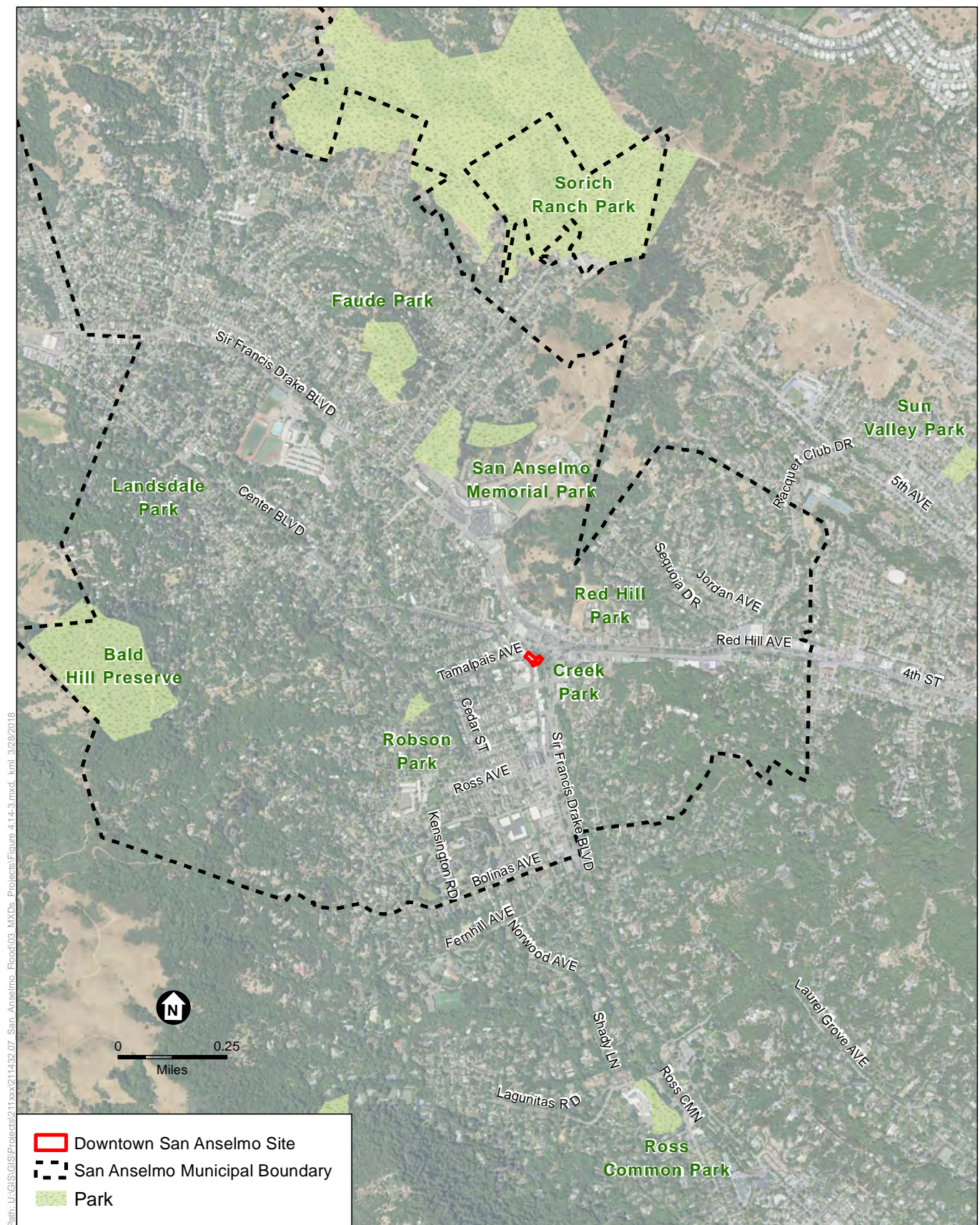


SOURCE: MarinMap, 2017

San Anselmo Flood Risk Reduction Project

Figure 4.14-2

Parkland and Recreational Facilities in the Vicinity of the Nursery Basin Site



SOURCE: MarinMap, 2017

San Anselmo Flood Risk Reduction Project

Figure 4.14-3

Parkland and Recreational Facilities in the Vicinity
of the Downtown San Anselmo Site

4.14.2.3 Local Regulations

The following section details the local plans and policies set forth by Marin County and the Town of San Anselmo that are relevant to the Project. Neither of the Project sites are within the jurisdictional boundaries of the Town of Fairfax, but the Nursery Basin site is immediately adjacent to the Town's western boundary. As such, information on the Town's relevant plans and policies is presented here for informational purposes.

Marin County Parks and Open Space Department

The Marin County Parks and Open Space Department consists of two divisions, the Parks and Landscape Division and the Marin County Open Space District. Together, these divisions provide 34 open space preserves, 4 regional parks, and 27 additional park facilities;¹ three paved multi-use paths; a system of fire protection roads and trails; recreational programs; environmental education programs; and volunteer programs. Parks in Marin County receive over 2 million visitors annually (MCOSD, 2008).

County of Marin Countywide Plan

The Marin Countywide Plan sets forth the following goals and policies that may be relevant to the Project (Marin County Community Development Agency, 2007).

Goal PK-1: A High-Quality Parks and Recreation System. Provide park and recreation facilities and programs to meet the various needs of all county residents.

Policy PK-1.1: Conduct and Coordinate Park Planning. Develop park and recreation facilities and programs to provide active recreation, passive enjoyment, and protection of natural resources as a complement to local, state, and national parks and open space in Marin County.

Policy PK-1.2: Consider User Needs, Impacts, and Costs. Plan and develop any needed new park and recreation facilities and programs to meet the desires of the community and protect environmental resources.

Policy PK-1.3: Protect Park Resources from Impacts of Climate Change. Identify strategies to protect park resources from the effects of climate change, such as violent weather, plant loss, or change due to moisture and temperature changes and sea level rise.

Town of San Anselmo General Plan

The following objectives and policies in the *Town of San Anselmo General Plan* are relevant to the Project (Town of San Anselmo, 2015).

¹ Park facilities include swimming pools, fishing piers, boat launches, tennis courts, basketball courts, volleyball courts, playgrounds, sports fields, golf courses, a skate park, batting cages, picnic areas, and trails (https://www.marincounty.org/~media/files/departments/pk/projects/posstrategicplan_web.pdf).

Land Use

Objective 7: To protect and preserve those areas of unique natural and visual resources within the planning area.

Policy LU-E.3-1: Memorial Park may not be utilized as a flood detention basin; nor may any non-recreational uses be permitted that adversely affect or reduce the recreational amenities at the Park.

Policy LU-E.3-2: No public land parcel occupied by Memorial Park may be sold or transferred by the Town without approval by the citizens of San Anselmo as part of a general election.

Open Space

Objective 1: To protect from development those open space parcels which contribute directly to the Town's identity, its sense of separate place in relation to other communities, and the quality of life in the community.

Town of Fairfax General Plan

Neither of the Project sites are within the jurisdictional boundaries of the Town of Fairfax, but the Nursery Basin site is immediately adjacent to the Town's western boundary. As such, *Town of Fairfax General Plan* policies that could be relevant to the Project are presented here for informational purposes (Town of Fairfax, 2012).

Open Space

Goal OS-4: Balance the interests of public health and safety with the preservation of open space.

Policy OS-4.1.2: Designated Open Space along creek channels and in flood-prone areas should be created whenever possible to mitigate flood hazards.

4.14.3 Impacts and Mitigation Measures

4.14.3.1 Significance Criteria

Consistent with State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Impact Review Guidelines, the Project could have a significant impact if the Project would:

- a) 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) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; or
- c) Require designation of additional parkland to remain in conformance with locally acceptable or adopted park standards.

4.14.3.2 Approach to Analysis

The following impact analysis discusses the potential impacts of the Project related to parks and recreation within the Project area. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described previously in this section.

4.14.3.3 Impacts and Mitigation Measures

Impact 4.14-1: Construction and operation of the Project would not 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.
(Less than Significant)

Nursery Basin Site

Construction and operation of the Nursery Basin would not create new housing or other development that would increase the area's population or otherwise place additional burdens on local or regional recreational facilities. As such, the net use of existing recreational facilities would not be affected, and there would be no impact.

Downtown San Anselmo Site

Construction

Some temporary impacts would occur to the adjacent Creek Park during construction, as most of the park would be used for construction access or staging. That would temporarily decrease the amount of park area available to the public. Further, improvements to the top-of-bank structures on the northern bank of San Anselmo Creek within the park would also be implemented as part of the Project, including the construction of an at-grade walkway, the improvement and expansion of existing creek viewing areas, and installation of guardrails. These areas of the park would also be unavailable for public use during the construction period.

It is likely that many potential recreational users may choose to avoid the open portions of Creek Park during construction, particularly if there are higher levels of construction noise or other factors that could diminish their experience. It is therefore possible that some recreational use that would have occurred at Creek Park during the construction period would be shifted to other recreational facilities within the Town of San Anselmo or in neighboring jurisdictions. This condition, however, would be temporary (limited to the construction period of about 4-6 months), and Creek Park would be restored to its former use and capacity following the conclusion of construction. During the construction period, the Town of San Anselmo and adjacent jurisdictions would continue to provide a variety of parklands and other recreational opportunities, and any temporary diversion of some Creek Park users to those other facilities would not create such a burden on those facilities that substantial deterioration would occur. Based on each of these considerations, the Project construction would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur. Therefore, the Project's impact during construction would be less than significant.

Operation

The removal of the commercial building at 634-636 San Anselmo Avenue and the resultant increase in creek capacity would not create new housing or other development that would increase the area's population or otherwise place additional burdens on local or regional recreational facilities. As such, the net use of existing recreational facilities would not be affected by operation of the Project. The proposed improvements to the park include walkways and viewing areas within the park. These would constitute a beneficial improvement to the existing conditions of Creek Park, and would not cause deterioration of the facility. Therefore, the Project's impact would be less than significant.

Mitigation: None required.

Impact 4.14-2: Construction and operation of Project could include public access and recreational facilities or could require the construction or expansion of recreational facilities which could have an adverse physical effect on the environment. (*Less than Significant with Mitigation*)

Nursery Basin Site

The Nursery Basin would not include recreational facilities or require the construction or expansion of recreational facilities that could have an adverse effect on the environment. As such, there would be no impact.

Downtown San Anselmo Site

Construction

The Project includes replacements of and improvements to the top-of-bank structures on the northern bank of San Anselmo Creek within the Town's Creek Park, including the following:

1. Construction of an at-grade walkway;
2. Installation of guardrails;
3. Reconstruction of existing creek viewing areas, stairway access to the creek, and other park facilities; and
4. Installation of a new sidewalk adjacent to the southern side of the Project area along San Anselmo Avenue.

These features are part of the Project; the impacts associated with implementing these features are analyzed throughout this document. Construction best management practices included in **Mitigation Measures 4.3-1** and **4.9-1** (see Impact 4.3-1 in Section 4.3.4.3, and Impact 4.9-1 in Section 4.9.3) would reduce these potential construction effects.

Operation

The proposed improvements to walkways and viewing areas within the park would constitute a beneficial improvement to the existing conditions at the park. In addition, although the Project

would replace and even improve the existing public access and recreation infrastructure at Creek Park, there is no potential for the Project to necessitate construction or expansion of new facilities that may themselves have an adverse effect on the environment. The Project would not create a new attraction or amenity in Downtown San Anselmo that would draw additional visitors or otherwise increase the demand for on-site or off-site parks or other recreational facilities. Nor would it increase population or provide other services that would similarly increase that demand. Because the Project would not necessitate the construction or expansion of recreational facilities, the Project's impact would be less than significant.

Mitigation Measures 4.3-1: BAAQMD Basic Construction Mitigation Measures

Mitigation Measure 4.9-1: Implement Dewatering BMPs for In-Water Work

Significance after Mitigation: With implementation of construction best management practices and prescribed mitigations, the dust, emissions, and runoff would be reduced and the associated construction impact from the Project's implementation would be less than significant.

Impact 4.14-3: Construction and operation of the Project would not require the designation of additional parkland to remain in conformance with locally acceptable or adopted park standards. (No Impact)

Nursery Basin Site and Downtown San Anselmo Site

Neither the construction and operation of the Nursery Basin nor the removal of the commercial building at 634-636 San Anselmo Avenue would generate growth that would require the addition of new parkland to remain in conformance with local plans or policies. As discussed in the analysis for Impact 4.14-2, any impacts on the existing Creek Park during construction would be temporary, with ultimately beneficial results, and the Project would not eliminate any existing parkland. Therefore, the project would have no impact related to the need for additional parkland or conformance with park standards.

Mitigation: None required.

4.14.4 References – Parks and Recreation

Marin County Community Development Agency *Marin County Environmental Impact Review Guidelines*, 1994. Available online at <http://www.marincounty.org/~media/files/departments/cd/planning/environmental-impact/erguide1994.pdf>.

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Town of Ross, *Town of Ross General Plan 2007 – 2025*, 2007. Available online at <http://www.townofross.org/planning/page/general-plan>. Accessed on October 7, 2016.

Town of San Anselmo, *Town of San Anselmo General Plan*, last amended November 3, 2015. Available online at <http://www.townofsananselmo.org/index.aspx?NID=79>. Accessed on October 7, 2016.

4.15 Transportation and Circulation

This section presents and discusses the transportation and circulation conditions and effects associated with the San Anselmo Flood Risk Reduction Project (Project) construction, implementation, and operation. This section provides an overview of the existing conditions and the regulatory setting that apply to transportation within the Project area. It then presents and discusses the potential Project impacts and appropriate mitigation measures, as necessary.

4.15.1 Physical Setting

The Project area is served by a roadway network of freeways (e.g., United States Highway 101 [U.S. 101]), arterials (e.g., Sir Francis Drake Boulevard), and local streets.

4.15.1.1 Regional Roadways

U.S. 101 is Marin County's primary roadway; it varies between two and five lanes in both directions and forms a north-south corridor along Marin's eastern edge, where development is most dense between the cities of Mill Valley and Novato. U.S. 101 is highly-congested, particularly during commute hours, because it is the primary surface link connecting with the City of San Francisco, which draws large numbers of workers each day. The highway also intersects with other important highways, such as Interstate 580, which provide important inter-county and inter-regional links. U.S. 101 is also vital in connecting communities within the county for everyday activities such as shopping, school, and recreation. U.S. 101 has an average daily traffic volume of approximately 172,000 vehicles south of the Sir Francis Drake Boulevard interchange, and about 196,000 vehicles north of the Mission Avenue interchange (Caltrans, 2016).

Sir Francis Drake Boulevard is an important arterial roadway of varying width (number of lanes) that runs primarily east-west, linking U.S. 101 to State Route 1 in West Marin. Much of the road is a four-lane rural highway, but widens to six lanes approaching Larkspur Landing east of U.S. 101 and narrows to two lanes as it extends west beyond Fairfax. Sir Francis Drake Boulevard is the primary east-west corridor in Marin County, and is designated a Principal Arterial in the Marin County Congestion Management Program between U.S. 101 and State Route 1. The daily traffic volume on Sir Francis Drake Boulevard varies, ranging from approximately 17,000 vehicles on the two-lane section in the Towns of Fairfax and San Anselmo to about 36,000 vehicles on the four-lane section in Kentfield (Fairfax, 2011; Marin County, 2015; ESA, 2017).

4.15.1.2 Local Roadways

Local roads that are expected to be used to access the Downtown San Anselmo site are San Anselmo Avenue, Tunstead Avenue and Bridge Avenue, all of which are two-lane roads. The Nursery Basin site would be accessed off Sir Francis Drake Boulevard at the driveway to the former Sunnyside Nursery.

4.15.1.3 Transit Service

The Project area is served by two transit agencies: The Golden Gate Bridge Highway & Transportation District, and the Marin County Transit District. Multiple Golden Gate Bridge Highway & Transportation District bus routes are provided on area roads, including Sir Francis Drake Boulevard. Marin County Transit District provides local fixed route services, including the West Marin Stagecoach Route 68, which travels on Sir Francis Drake Boulevard between San Rafael and Inverness.

4.15.1.4 Bikeways/Pedestrian Circulation

Along Sir Francis Drake Boulevard in the Project area, there are disconnected bicycle facilities (i.e., some segments with Class II bike lanes, and some segments with Class III bike routes¹), and limited pedestrian facilities (i.e., sidewalks in built-up areas only).

4.15.2 Regulatory Setting

The following laws, statutes, regulations, codes, and policies would apply to the Project and are defined as standard conditions for the Project.

4.15.2.1 Federal Regulations

There are no federal regulations pertaining to transportation impacts that are applicable to the Project.

4.15.2.2 State, Regional and Local Regulations

Transportation analysis in California is guided by policies and standards set at the state level by the California Department of Transportation and at the regional and local level by jurisdictional agencies such as the Marin County congestion management agency (Transportation Authority of Marin) and the Towns of Fairfax and San Anselmo. Local jurisdictions regulate speed limits and other driving standards on local roadways. The California Department of Transportation and local jurisdictions generally assess the impacts of long-term (not short-term) traffic conditions. The goal of state and local plans and policies related to transportation is to prepare for future growth and the vehicular, transit, pedestrian, and bicycle travel demand associated with that growth. However, given that the Project elements would generate construction-related vehicle traffic, the goals and policies presented below are considered to have relevance to this analysis.

¹ Class I Bike Path: A multi-use path providing a completely separated right of way for the exclusive use of bicycles and pedestrians with cross-flow minimized. Class II Bike Lane: A striped lane for one-way bike travel on a roadway that is also used by motor vehicles. Class III Bike Route: A signed roadway that provides for shared use with pedestrians or motor vehicle traffic, typically on lower volume roadways. There is nothing different about the roadway, only that it has signs posted identifying it as a bike route.

Marin County

Countywide Plan

The following are traffic-related goals and policies presented in the *Marin Countywide Plan* that are applicable to the Project (Marin County Community Development Agency, 2015):

Goal TR-1: Safe and Efficient Movement of People and Goods. Provide a range of transportation options that meet the needs of residents, businesses, and travelers.

Policy TR-1.2: Maintain Service Standards. Establish level of service standards for vehicles on streets and highways and performance standards for transit, bicycles, pedestrians, and other modes of transportation.

Town of San Anselmo

General Plan

The following primary goals of the Circulation Element in the *Town of San Anselmo General Plan* are relevant to the Project (San Anselmo, 2015):

1. To promote a transportation network which offers strong transit, pedestrian, and bikeway alternatives to the automobile.
2. To design a roadway network which will maintain and enhance the quality of life on local residential streets in the community.

Town of Fairfax

General Plan

The following are traffic-related goals and policies from the Circulation Element of the *Town of Fairfax General Plan* applicable to the Project (Fairfax, 2012):

Goal C-2: Promote the safe use of collector streets by automobiles, cyclists and pedestrians.

Policy C-2.6: Promote safe use of the collector streets for pedestrians and cyclists.

Goal C-4: Ensure access by emergency service vehicles and public evacuation.

4.15.3 Impacts and Mitigation Measures

4.15.3.1 Significance Criteria

Consistent with the State CEQA *Guidelines* Appendix G (Environmental Checklist) and with Appendices K and N in Marin County's Environmental Review Guidelines, the Project could have a significant impact if it would:²

² Appendix N of Marin County's Environmental Review Guidelines includes "result in an insufficient parking capacity on-site or off-site" as a significance criterion. Parking capacity is no longer considered an impact under CEQA and is therefore not considered in this impact analysis.

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- e) Result in inadequate emergency access; or
- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities; or

4.15.3.2 Issues Not Evaluated Further

Due to the nature of the Project, there would be no construction and/or operational impacts related to the following criteria; therefore, no impact discussion is provided for the reasons described below:

1. **Conflicts with an Applicable Congestion Management Program, including, but not limited to LOS Standards.** Construction activities would have a temporary effect on traffic and circulation. Once constructed, flood system facilities are generally passive, generating only minimal levels of traffic for occasional operations and maintenance purposes. LOS standards established by County congestion management agencies (such as Transportation Agency of Marin) are intended to regulate long-term traffic increases or changes in traffic patterns that result from the development of facilities such as businesses and residences. Because construction activities would not generate traffic or change traffic patterns over the long term, LOS standards are not considered in this evaluation of construction traffic effects.
2. **Change in Air Traffic Patterns resulting in substantial safety risks.** Implementation of the Project would not change air traffic patterns at any airport and would not install structures that could interfere with air space.
3. **Increased Hazards Due to a Design Feature.** The Project would not include new design features for any roadways (e.g., new facilities or obstructions within public roadways) or alterations of existing features (e.g., road realignment).
4. **Conflicts with Adopted Policies, Plans, or Programs Supporting Alternative Transportation.** The Project would not directly or indirectly eliminate existing or planned alternative transportation corridors or facilities (e.g., bike paths, lanes, bus turnouts, etc.). In addition, the Project would not include changes in policies or programs that support alternative transportation, and it would not construct facilities in locations in which future alternative transportation facilities are planned.

4.15.3.3 Approach to Analysis

The following analysis discusses the potential significant impacts of the Project related to transportation. This section includes an analysis of potential short-term (construction) and long-term (operation) impacts of the Project. Impact evaluations are assessed based on the existing conditions described earlier in this section. Mitigation measures are identified, as necessary, to reduce significant impacts.

Construction-related transportation impacts are not generally considered significant because of their temporary duration and limited scope. Nevertheless, the analysis considers the potential short-term effects of construction—including those on transit, pedestrian and bicycle facilities, and emergency vehicle access. The analysis is based on the best construction-related information available at this time.

Project construction activities would result in a temporary increase in vehicle trips in the Project area over the construction period. Project construction is anticipated to generally occur on weekdays. The analysis of construction-related traffic impacts below considers daily commute trips by construction workers, and deliveries and haul trips by trucks.

4.15.3.4 Impacts and Mitigation Measures

Impact 4.15-1: Construction activity associated with the Project could temporarily generate increased traffic volumes in relation to the existing traffic load and capacity of the road system (potentially resulting in a substantial increase in traffic congestion affecting vehicle or transit circulation), and could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. (*Less than Significant with Mitigation*)

Construction

The proposed improvements would generate short-term increases in vehicle trips by construction workers and construction vehicles on area roadways. Construction-generated traffic would be temporary and therefore would not result in long-term degradation in operating conditions (level of congestion / delay) on Project area roadways. The primary impacts resulting from the movement of construction trucks would include a short-term and intermittent lessening of roadway capacities due to the slower movements and larger turning radii of the trucks compared to passenger vehicles.

Traffic-generating construction activities related to Project elements would consist of the daily arrival and departure of personnel (construction work crews and supervisory staff); trucks hauling equipment and materials to the worksites; and the hauling of excavated spoils from, and/or import of new fill to, the sites. The number of construction-related trips would vary between the two Project locations, and among the tasks needed to complete construction.

Based on information from the preliminary designs as presented in Table 3-2 and Table 3-3 (Chapter 3, *Project Description*), and the anticipated use of water trucks, construction activity at the Nursery Basin site (lasting about six to eight months) would generate up to approximately

392 one-way vehicle trips per day (76 worker trips³ and 316 truck trips [including water trucks]) during an estimated maximum of 20 days of excavation and off-hauling; Project-generated traffic would be lower on other (non-hauling) days. Construction activity at the Downtown San Anselmo site (lasting about four months) would generate up to approximately 150 one-way vehicle trips per day (76 worker trips and 74 truck trips [including water trucks]) during an estimated 10-day period; Project-generated traffic would be lower on other (non-hauling) days. Project-generated truck trips would be dispersed throughout the day, and construction workers are expected to commute to and from the work sites primarily before or after peak traffic hours. Construction-related truck traffic occurring on roadways in the peak direction on weekdays during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. would coincide with peak-period traffic on access roadways and therefore would have the greatest potential to impede traffic flow.

As described in Chapter 3, *Project Description*, construction is expected to occur concurrently at the two Project sites. As such, the previously-described estimates of peak Project traffic for the two elements could be additive, and the analysis of potential impacts focuses on the combined peak trip-generating work over an estimated 10-day period. Construction work on other days (i.e., the 10 additional days of excavation and off-hauling at the Nursery Basin site, and non-hauling days) would have a lesser effect on traffic than would the concurrent off-hauling of excavated material from the two sites.

The percent increase in traffic volumes caused by Project-generated construction traffic on the arterials and freeways serving the Project work sites (up to about three percent) would not be substantial relative to background traffic conditions (i.e., traffic would tend to fall within the daily fluctuation of traffic volumes on those roads), and that Project traffic would not significantly disrupt traffic flow on these roadways.⁴ Drivers could experience delays if they were traveling behind a construction truck. Traffic volume increases caused by Project construction would be most noticeable on local-serving roadways, but the increased traffic volumes are expected to remain at levels less than the carrying capacity of the roads.

Although the construction-period trip generation would not represent a substantial increase in daily traffic volumes on area roadways, if construction-related truck traffic were to occur on roadways in the peak direction during weekday peak hours, there would be potential impedance of traffic flow. Preparation of a Traffic Management Plan (TMP) by a qualified traffic engineer in accordance with professional engineering standards (see **Mitigation Measure 4.15-1**) would ensure that effects on traffic flow conditions in the Project vicinity would be less than significant.

Mitigation Measure 4.15-1: Traffic Management Plan.

Prior to initiation of construction, the Project contractor(s) shall use a qualified traffic engineer to prepare a TMP. The TMP shall be developed during the design phase on the basis of detailed design plans for the approved Project. The TMP shall be reviewed and

³ Daily trips by construction workers would consist of inbound and outbound commute trips (conservatively assumed to be each worker in their own vehicle), plus midday trips (lunch or other errands) by about 25 percent of the workers.

⁴ Day-to-day traffic volumes typically vary by as much as 10 percent (i.e., ± 5 percent), and an increase of less than that is unlikely to be perceptible to the average motorist.

approved by the Flood Control District and agencies with jurisdiction over roadways affected by Project construction activities, prior to construction. Once approved, the TMP shall be incorporated into the contract documents specifications. The TMP shall include, but not necessarily be limited to, the elements listed below:

- a) Develop truck access routes to minimize impacts on local street circulation. The route selection for movement of heavy equipment and truck traffic shall be coordinated with the Marin County Department of Public Works, Marin County Sheriff's Department, and Police Departments for applicable towns, cities, and unincorporated communities. Truck drivers shall be notified of, and required to use, the most direct route between the Project work sites and U.S. 101.
- b) As needed to avoid unacceptably adverse impacts on traffic flow, schedule truck trips outside of peak morning and afternoon/evening traffic hours.
- c) Control and monitor construction vehicle movements by enforcing standard construction specifications through periodic on-site inspections.
- d) Install traffic control devices where traffic conditions warrant, as specified in the applicable jurisdiction's standards (e.g., the *California Manual on Uniform Traffic Control Devices; Part 6: Temporary Traffic Control*); flaggers would be used, when warranted, to control vehicle movements.
- e) Implement a public information program to notify interested parties of the impending construction activities using means such as print media, radio, and/or web-based messages and information.
- f) Comply with roadside safety protocols to reduce the risk of accidents.
- g) Maintain access for emergency vehicles at all times. Provide advance notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- h) Store all equipment and materials in designated contractor staging areas on or adjacent to the worksite, in such a manner to minimize obstruction to traffic.
- i) Identify locations for parking by construction workers (within the construction work site or at the designated construction staging areas, or, if needed, at a nearby location with transport provided between the parking location and the worksite).
- j) Prior to Project construction, document road conditions for all routes that shall be used by Project-related vehicles. Roads damaged by construction shall be repaired to a structural condition equal to that which existed prior to construction activity.
- k) Maintaining pedestrian and bicycle access and circulation during Project construction where safe to do so. If construction activities encroach on bicycle routes or multi-use paths, advance warning signs (e.g., "Bicyclists Allowed Use of Full Lane" and/or "Share the Road") shall be posted that indicate the presence of such users.

During construction, an environmental compliance manager shall monitor and complete a construction monitor environmental inspection report checklist to ensure that the contractor implements the TMP measures included in the contract documents. Any

noncompliance shall be documented and reported to the Flood Control District to ensure corrective action. A final compliance report shall be prepared post-construction.

Significance after Mitigation: The TMP would provide for continuity of vehicular, pedestrian, and bicyclist traffic; reduce the potential for traffic accidents; and ensure worker safety in construction zones. Where Project construction activities could disrupt mobility and access for bicyclists and pedestrians, the TMP measures shall ensure safe and convenient access would be maintained. Implementation of these measures would ensure that effects on traffic flow conditions in the Project vicinity would be less than significant.

Impact 4.15-2: Implementation of the Project could impede access to local streets or adjacent uses, including access for emergency vehicles. (*Less than Significant with Mitigation*)

Construction

As described previously, if construction-related truck traffic were to occur on roadways in the peak direction during weekday peak hours, the construction-period trip generation could impede traffic flow, including for emergency service providers. The construction of the floodwall at the Nursery Basin site may require construction vehicle and equipment use along Sir Francis Drake Boulevard, potentially resulting in temporary closure of the westbound travel lane, and alternate one-way traffic on the eastbound lane. Implementation of **Mitigation Measure 4.15-1**, as described previously, would also address this impact by helping to ensure that potential impacts on access, including access for emergency vehicles, in the Project vicinity would be less than significant.

Operation

The Project would not include any alterations of existing roadway features that would create a permanent change to access for emergency vehicles. Therefore, long-term operational Project impacts would be less than significant.

Mitigation Measure 4.15-1: Traffic Management Plan.

Significance after Mitigation: The TMP would provide for continuity of vehicular, pedestrian, and bicyclist traffic; including emergency service providers. Implementation of these measures would ensure that effects on traffic flow conditions in the Project vicinity would be less than significant.

Impact 4.15-3: Implementation of the Project could have an adverse effect on pedestrian and bicycle accessibility and safety. (*Less than Significant with Mitigation*)

Construction

Potential conflicts could occur between Project construction traffic and bicyclists and pedestrians at the Downtown San Anselmo site. At the Nursery Basin site, other than the access from Sir Francis Drake Boulevard, there is no public access and thus no potential for conflicts with bicyclists or pedestrians. The construction of the floodwall at the Nursery Basin site may require construction vehicle and equipment use along Sir Francis Drake Boulevard. Implementation of **Mitigation Measure 4.15-1**, as described previously, would also address this impact by helping to ensure that potential changes to pedestrian and bicycle accessibility and safety in the Project vicinity would be less than significant.

Operation

The Project would not include any alterations of existing roadway features (including sidewalk) that would create a permanent change to access for bicyclists and pedestrians. Therefore, the operational long-term impact of the Project would be less than significant.

Mitigation Measure 4.15-1: Traffic Management Plan.

Significance after Mitigation: The TMP would provide for continuity of pedestrian, and bicyclist traffic; reduce the potential for traffic accidents; and ensure worker safety in construction zones. Where Project construction activities could disrupt mobility and access for bicyclists and pedestrians, the TMP measures shall ensure safe and convenient access would be maintained. Implementation of these measures would ensure that effects on traffic flow conditions in the Project vicinity would be less than significant.

Impact 4.15-4: Construction activity associated with the Project could temporarily increase traffic safety hazards due to incompatible uses (e.g., heavy truck traffic, and roadway wear-and-tear). (*Less than Significant with Mitigation*)

Construction

Construction-generated trucks on Project area roadways would interact with other vehicles. However, as described previously, traffic generated during the Project's construction period would not represent a substantial increase in traffic volumes on area roadways, and would not be incompatible with the mix of vehicle types (trucks and automobiles) currently traveling on the roads. The use of large trucks to transport equipment and material to and from the Project work sites could affect road conditions and driving safety on the designated haul routes by increasing the rate of road wear. The degree to which this impact would occur depends on the design (pavement type and thickness) and existing condition of the road. Major arterials, such as Sir Francis Drake Boulevard, are designed to handle a mix of vehicle types, including heavy trucks, and the impacts are expected to be negligible on those roads. The pavement of local streets also generally is not thick enough to withstand substantial truck traffic volumes. The wear-and-tear effects on road conditions and driving safety are considered to be a potentially significant impact.

There are potential traffic safety hazards associated with the inadequate sight distance for slower construction vehicles merging onto Sir Francis Drake Boulevard. Implementation of **Mitigation Measure 4.15-1**, as described previously, would address this impact by helping to ensure that potential traffic safety impacts in the Project vicinity would be less than significant.

Mitigation Measure 4.15-1: Traffic Management Plan.

Significance after Mitigation: The TMP would provide for a reduction in traffic safety hazards through such measures as installation of traffic control devices, scheduling trips outside of peak morning and afternoon/evening traffic hours, and repair of damaged roads after Project construction. Implementation of these measures would ensure that effects on traffic safety in the Project vicinity would be less than significant.

4.15.4 References – Transportation and Circulation

California Department of Transportation (Caltrans), *California Manual on Uniform Traffic Control Devices*, 2014.

Fairfax, Town of, *Town of Fairfax 2010-2030 General Plan Circulation Element*, 2012.
Available online at http://www.town-of-fairfax.org/html/general_plan.html. Accessed on June 26, 2017.

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Marin County, Kentfield Planning Advisory Board, *Sir Francis Drake Boulevard Corridor Rehabilitation*, 2015.

Marin County Community Development Agency, *Marin Countywide Plan: Transportation Element*, Adopted November, 6, 2007. Amended September, 2015.

San Anselmo, Town of, *Town of San Anselmo General Plan Circulation Element*, Adopted 1988, Amended 2015. Available online at <http://www.townofsananselmo.org/DocumentCenter/View/5210>. Accessed on June 26, 2017.

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