

Community Venture Partners, Inc.

A Catalyst for Sustainable Solutions

February 28, 2019

Mill Valley City Council
City of Mill Valley
24 Corte Madera Avenue
Mill Valley, CA 94941

Re: City Council Consideration of Roadway Configuration for the Parkway Room Portion of Miller Avenue

Dear Mill Valley City Council:

Herein, please find our comments on the City's announcement of a public hearing on March 4, 2019, regarding the Miller Avenue Parkway "Pilot Project" results and the Staff Report and recommendations.

1 - Background and General Comments

Miller Avenue is the most important thoroughfare in the City and as noted in our previous [correspondence](#) and [comments](#) (which are attached with this submittal and incorporated by reference herewith), its design and [functionality](#) have [significant impacts](#) on emergency response and the general health, safety and welfare of all Mill Valley residents.

In September of 2017, in response to the City's attempt to claim a categorical exemption from the requirements under CEQA, [attorney Edward Yates, representing CVP, cautioned](#) the City Council that

*...the City has not provided the substantial evidence required to conclude "with certainty" that there is "no possibility of significant impacts." Instead, our review of the City's records demonstrates that the City has absolutely **no scientific evidence or technical** data to support its conclusions that such a major infrastructure realignment will have no potential impacts to circulation, air quality, public safety and water quality. [Emphasis added]*

Our position today is that aside from the City's new traffic study, the other required environmental assessments or consequential evidence have never existed for the Pilot Project and still do not exist. The mere act of issuing an Addendum to the September 2015 Mitigated Negative Declaration for the original streetscape design (two lanes in each direction), in which the City simply "decides" without evidence that environmental impacts are "less than significant," does not qualify as substantial evidence for making those findings.

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Again, I will cite our September 2015 letter on this issue.

[The City] makes the strange claim that impacts were “already analyzed in terms of fugitive dust, hazardous materials, or vehicle emissions” thus claiming that the Miller Avenue Parkway Project is covered by previous CEQA documents.

*First, the Miller Avenue Parkway Project is not remotely similar to the previous CEQA covered projects relating to Miller Avenue, which all **assumed four lanes**. This Project is significantly different than those previous CEQA project descriptions and as such previous CEQA analysis is grossly different than that required for Miller Avenue Parkway Project. Indeed, the Miller Avenue Parkway Project is strikingly inconsistent with the Mobility Element EIR and Miller Avenue Streetscape Mitigated Negative Declaration, which assumed four full lanes on Miller Avenue. **The MND does not even have a project description but simply figures showing four lanes.** [Emphasis added]*

Second, the Staff Report does not identify the Miller Avenue Parkway Project as being tiered from any other project. As we have explained to the City Staff previously, agencies don’t simply get to claim tiered review and get a blank check to do whatever they wish. CEQA requires that second tier CEQA documents describe any environmental impacts that were not described in a first tier CEQA document. The Initial Study must include reference the first tier EIR and evidence and analysis that the later project does not cause significant effects that were not examined in the EIR. (Pub. Res. Code § 21094(c); CEQA Guidelines §§15063(b), 15152(f). The Staff Report does not do so and your letter provides no evidence that the City can rely on this as a tiered project.

These comments remain accurate today with regard to the latest Staff Report and MND issued to make the “Pilot Project” permanent. Our letter went on to state,

In my conversation on August 16, 2017 with City Attorney Greg Stepanicich and Inder Khalsa, it was understood by me that when the City Council makes a final decision at the end of the Miller Avenue Parkway pilot program, that the data gathered would be presented and incorporated into a CEQA impact assessment document. While we did not specifically discuss the exact form of such a CEQA document, the understanding was that a CEQA exemption would not be used for City Council decision to finalize the Miller Parkway Program's realignment. This admission by the City confirms that, to date, no CEQA environmental review has taken place. Since there is no exemption for “pilot” projects under 15061(b)(3) or elsewhere under CEQA and there was no relevant evidence provided regarding potential impacts, it can be concluded that in undertaking the Miller Avenue Parkway pilot project, the City is currently acting in violation of CEQA.

In response to our comments and after a telephone conference with the City of Mill Valley’s legal counsel, on August 24, 2017, Assistant City attorney Inder Khalsa, wrote,

Prior to a Council decision on whether to make the one-lane configuration permanent, the City plans to conduct a full environmental review of the configuration, taking into account all data and feedback obtained during the Pilot Program. Based on what we know at this time, we anticipate that an addendum or supplemental Mitigated Negative Declaration will be prepared for the determination on the permanent number of lanes in the Parkway. However, the final CEQA documentation will depend upon all the evidence gathered during the Pilot Program and subsequent public hearing.

At this time, we are again asking the City to produce such evidence with regard to all potentially significant environmental impacts.

I point your attention to *Title 14, Chapter 3, Article 11, Section 15264(e)*, which states

*(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. **The explanation must be supported by substantial evidence.** [Emphasis added]*

The City is relying on an MND for this project instead of an EIR. By doing so, a petitioner is only required to make a “fair argument” that there are environmental impacts because there is a “low threshold requirement for initial preparation of an EIR [that] reflects a preference for resolving doubts in favor of environmental review, when the question is whether any such review is warranted.” (*League for Protection of Oakland’s Arch. Resources v. City of Oakland* (1997) 52 C.A.4th 896, 905.) The low threshold triggers an EIR rather than a negative declaration whenever substantial evidence in the record supports a “fair argument” that significant impacts may occur, even if there is also substantial evidence supporting a different conclusion. (*Friends of “B” Street v. City of Hayward* (1980) 106 C.A.3d 988, 1000-1003; 14 CCR § 15064(f)(1).)

Conclusion: It is unlikely that the Addendum project description and impact assessment, in the Addendum to the MND, would withstand a fair argument that they are adequate. Therefore, the City must address these deficiencies prior to any decision.

2 - The Project Description is inadequate and misleading:

After reviewing the Staff Report, the Addendum to the Mitigated Negative Declaration, all supporting documentation, and the proposed final plan “Options,” we find the project description to be inadequate and incomplete, under CEQA Guidelines. These objections remain unaddressed by the City’s current approval process.

The “Proposed Modification to the Project” noted on Page 1, of Attachment 2 reads as follows:

The modified project ("proposed project") maintains the existing width of the roadway established under the original project, but extends the one lane configuration south of Millwood Street to allow for a buffered bicycle lane in each direction. The modified project also identified several options to address curbside parking (maintain curbside parking, eliminate curbside parking, eliminate outbound parking, modify curbside parking restrictions). The proposed option would provide a one lane out bound configuration with no curbside parking allowed and a one lane in bound configuration with curbside parking allowed.

This “description” makes no sense on its face and attempts to obfuscate the CEQA requirement for a clear and accurate project description. The term “modified project (“proposed project”) is misleading and essentially indecipherable. What “project” is the Addendum referring to? The only “project” that has ever been properly considered for the Parkway section of Miller Avenue is the original, approved Miller Avenue Streetscape Plan, which shows two traffic lanes in each direction.

Under *Title 14, Chapter 3, Article 9, Section 15124, Project Description*, requirements for a proper project description include,

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

*(b) A statement of objectives sought by the proposed project. **A clearly written statement of objectives** will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project. [Emphasis added]*

*(c) A general description of **the project's technical, economic, and environmental characteristics, considering the principal engineering proposals** if any and supporting public service facilities. [Emphasis added]*

*Subsection (b) emphasizes the importance of **a clearly written statement of objectives. Compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives.** Clear project objectives simplify the selection process by providing a standard against which to measure possible alternatives. [Emphasis added]*

*This section requires the EIR [or other CEQA document] to **describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers.** [Emphasis added]*

*In County of Inyo v. City of Los Angeles... the court noted that an accurate description of the project has been required by case law interpreting the National Environmental Policy Act. The state court of appeal declared that **an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR** [or other CEQA document] **under CEQA.** [Emphasis added]*

As established above, at the time the Pilot Project was proposed and approved, the City attempted to deny that it was a “project” at all, falsely claiming a categorical exemption. Then, again as noted above, the City admitted that they had not conducted any CEQA process and promised to do so before any finalization of the proposal -- which is where we find ourselves today.

The City is now attempting to say that the Addendum to the MND includes only “minor changes” to the Pilot Project, as if the City has some right to assume that the Pilot Project was properly considered, previously, or properly described or presented to the public as a “project” in the first place, as required under CEQA. As noted in our letter of September 2017, the 2015 MND did not even contain a project description.

As such, the “Proposed Modification to the Project” noted on Page 1, of Attachment 2 is nonsensical at best and an attempted subterfuge of the law at worst, and consequently the descriptions and statements in the “Purpose of the Addendum” that follow, which are based on this flawed definition of the “project,” are false and misleading as are all the statements and findings in the “Analysis of Potential Environmental Impacts” found in Section 4.0 that follow.

Simply put, the City cannot claim to be “modifying” the project description of a “project” that never had a project description in the first place, then use that to claim less than significant impacts.

At the time that the City adopted the Pilot Project (allowed the temporary street striping and demarcations to remain in place), [CVP submitted comments by attorney Edward Yates](#) challenging the City’s failure to adequately address the CEQA requirement for an adequate project description. That objection remains unaddressed by the City.

As acknowledged in the Staff Report, the existing Pilot Project street demarcations were never actually “designed” by anyone nor were they vetted or analyzed by any credible experts. They were, in fact, done somewhat hastily by Public Works employees trying to create some temporary parking spaces during the construction of the Streetscape. That “design” was later adopted as the Pilot Project plan. As such, there was never an actual “project description” created to fully explain the City’s permanent proposal.

Therefore, we find that the City is in violation of CEQA by failing to provide an adequate “project description,” which at a minimum would need to **describe the specific roadway, right of way and actual demarcation dimensioning information and detailed drawings**

about the proposed final Options, including but not limited to the preferred Option #5. This descriptive information would show how much lane narrowing is actually required or where it will actually occur.

To put it plainly, how can the City or the public reasonably assess the potential environmental impacts of the Options, without the benefit of specific, dimensioned and descriptive plans and other information about the overall right of way, lane widths, parking and bike lane dimensioning, etc.?

In addition to making the assessment of potential impacts impossible without such information, the public is denied the opportunity to suggest other alternative designs or options. Because the Pilot Project never presented the public with adequate information to describe the “Project” as required under CEQA, without a dimensioned street plan showing the existing right of way dimensions and the proposed roadway configurations and new striping from Willow to Millwood, the public has no way to decipher where the roadway “pinch points” occur or where the roadway travel lanes and bicycle lanes are limited in width, all of which form the basis of the conclusions presented in the Staff Report.

This inadequacy of the “project description” produces a variety of unresolved issues, upon which the City Council’s final determinations depend. These are discussed below.

Conclusion: The City must provide the public with a proper and adequate project description, including but not limited to dimensioned plans of the Parkway street sections, as it will be if any of the proposed Options were adopted, and this must be done prior to any public hearing, the publication of the Addendum to the MND, or opportunity for public comment.

3 - The City has failed to properly consider alternative solutions to the widths of traffic travel lanes based on state and federal standards.

For almost two years, the City has denied that it is bound by legal standards and guidelines for adequate emergency access and egress. It is gratifying to see that the Staff Report now finally acknowledges the FEMA Guidelines requirement of having a 20 foot wide minimum, free and clear roadway right of way for emergency vehicle access, and the requirements of Section 503.2.1 of the California Fire Code, which requires the same minimum width of 20 feet.

At the same time, state and federal highway standards, such as Guidelines found in the Caltrans Highway Design Manual, indicate that 10’ wide car travel lanes are perfectly adequate for roadways with the posted speed limits in the Parkway section of Miller Avenue. For reference, consider that the traffic travel lanes on the Golden Gate Bridge are 10 feet wide and the posted speed limit and traffic loads are significantly higher.

In spite of this, the City has failed to explore the consequences of these facts and guidelines and their implications about the range of potential alternatives for the Parkway roadway design. This begs the question, on what basis is the Staff Report dismissing the original Miller Avenue Streetscape Plan's configuration or other possible alternative designs?

Table 1 on page 2 of the Addendum to the MND fails to acknowledge or show the actual traffic lane widths in the plan or consider the various alternative designs that would be possible if lane widths were narrowed to 10 feet wide. Consequently, the information provided to support the Staff Report's recommendation of Option #5 is clearly insufficient.

The Staff Reports states,

The unobstructed portion of the Miller Avenue in the Parkway varies between 18.9 and 20.3 feet, measured from the center median to the edge of the curbside parking aisle.

However, none of the sketched diagrams in the Addendum to the MND show where these dimensions exist or vary or the actual street or striping / demarcation dimensions in those instances. The original MND did not disclose the conditions, because the Pilot Project was not contemplated at the time the original MND was created.

Based on field measurements I've taken on the street, the parking width is approximately 7'-0" wide and the width of the demarcation striping for the parking is approximately 6". This indicates that **the overall street right of way width varies from 27'-6" wide to 26'-3" wide**, based on using the 20'-3" and 18'-9" measurements in the Staff Report.

CEQA Guidelines *Title 14, Chapter 3, Article 5, Section 15064(b)* states:

[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.

Conclusion: The City must use specific and accurate dimensions and data to evaluate design alternatives. Consequently, based on those accurate dimensions and data, the City must more carefully consider maintaining two traffic lanes on the outbound and inbound sides of the Parkway or other potential street design alternatives that may provide greater public safety and fewer associated environmental impacts.

4 - Both one lane and two lane configurations can provide a Class II bicycle lane (5' width) and an adequate buffer

From the beginning, the City has been aware that there are other potential roadway designs and configurations that meet all accepted roadway and bicycle lane safety standards. The introduction of parking has been the issue that is controversial and discretionary, not bike or driver safety. However, as noted above, since none of the plans and diagrams to date have ever been based on actual street dimensions, *all decisions to date have been made based solely on personal opinion and political convenience.*

If a primary goal is to ensure that bicycles have Class II bike lanes, the only recognized national and state safety standards and requirements are for a 5' wide bike lane. The addition of a "buffer" zone is discretionary and its width is potentially arbitrary.

However, assuming that there is evidence of a consensus that some buffer zone is desirable and that such a buffer should not be less than 12" in width, then using the field measurements that I noted above and those submitted to the City by resident John Palmer - - which show that the overall street right of way width varies from 27'-6" wide to 26'-3" wide -- we find that the narrowing is mostly on the inbound lanes approaching the Millwood intersection. Therefore, even at the most constricted locations, where the overall street right of way is 26'-3" wide, there is adequate space for a 5' wide bike lane, a 1'-3" buffer zone and two 10' wide travel lanes, if parking were to be eliminated. It would be legally unsupportable to argue that those bike lane and buffer widths are inadequate for "safety."

Conversely, if it is determined, based on evidence, that *some* parking is desirable on the inbound side, a few parking spaces must be eliminated at the pinch points in the roadway as traffic nears the Millwood intersection in order to conform to the requirement for a free and clear 20' roadway.

As it is, the Staff Report and the Addendum to the MND attempt to defend their determinations by referring to a "standard" called a "Complete Street," which includes a 5-6' foot bike lane and 2' bike buffer. However, there is no such thing as a "Complete Street" standard. It is a subjective, undefined public policy goal the City has adopted. As such, it cannot be used to substantiate a CEQA assessment of impacts or the City's decision about CEQA alternatives.

Conclusion: There is no evidence to support the elimination of two traffic travel lanes in the outbound or the inbound direction, and a design that maintains a 20 foot wide, clear emergency access in no way precludes the installation of a safe and adequate bicycle lane and buffer zone. These facts must be considered in any City Council decision.

5 - The decision to treat inbound and outbound traffic capacity differently in an emergency situation is unsupported

The Staff Report arbitrarily treats inbound traffic capacity and outbound traffic capacity differently. The City freely admits that the proposed plan, *Option #5, will not comply with the acknowledged requirement for 20' width* of free and clear access for emergency response vehicles in the event of a canyon fire or other catastrophic event.

However, there is no evidence, standard or guideline that exists nor is there any citation of evidence offered by the City to support the City's contention that both sides of the Parkway, inbound and outbound, are not governed by the same minimum width emergency access requirements. After all, one must consider that in the event of a canyon fire, fire trucks and other emergency vehicles have as great a need to travel inbound – to extinguish a fire and rescue residents – as they do to evacuate residents from the fire.

In addition, the City has not produced a parking study that proves that the parking that has been added to the inbound side of the Parkway is essential. The lack of curbside parking is a condition that has existed for decades without any evidence that providing it now is anything more than a personal convenience.

Conclusion: To ensure the welfare and safety of all Mill Valley residents, if any parking is proven to be essential, the City must at a minimum, remove parking spaces on the inbound side of the Parkway, in order to provide for two traffic travel lanes and to maintain the required 20' of free and clear emergency access roadway.

6 - The City is misinterpreting applicable fire regulations to support a predetermined conclusion

As previously noted, FEMA Guidelines and Section 503.2.1 of the California Fire Code require a 20 foot wide minimum roadway width for adequate emergency access. However, having acknowledged those facts, the City is attempting to justify its continued failure to provide the required 20 foot minimum by misinterpreting the State Code.

The Staff Report and MND state that,

Section 503.2.2 of the California Fire Code authorizes the local fire code official to require or permit modifications to the access width where necessary to meet the public safety objectives of the jurisdiction, therefore there are no significant impacts associated with the proposed project. Therefore, the project does not conflict with any applicable land use or planning standards, and impacts in this area are less than significant.

This interpretation of the State Fire Code is both self-serving and illogical. The intent of the Code is clearly to promote maximum public safety, while allowing for variances from the strict guidelines in situations where that might be physically unachievable or otherwise conflict with other “public safety objectives” that might have a higher priority in certain specific circumstances. The obvious intention of the Code provision is not to diminish or contradict public safety objectives simply because of certain agency official’s or City Councilmember’s personal preferences.

The Code in no way is suggesting that this provision can be used to allow local agencies to circumvent the overriding importance of adequate roadway access or otherwise compromise the safety of the general public, for their own personal preferences. The Code provision is not a license to make up one’s own rules and CEQA requires that an agency depend on facts and evidence to determine impacts, not agency policy preferences.

CEQA Guidelines found in *Title 14, Chapter 3, Article 5, Section 15064(b)* note,

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

This strongly suggests that in the case of Mill Valley, with its documented high risk of catastrophic fire,¹ the need to maintain minimum emergency access requirements must be considered paramount and take precedence over all other design consideration.

One must ask, what public safety objective can possibly be met by a plan *to not provide* the required 20’ width, when the existing road right of way clearly can accommodate it? Any 5’ wide bike lane is a Class II bike lane and there is no evidence that public safety is more enhanced by adding 6” or 12” or other such arbitrary amounts to it.

Furthermore, there is absolutely no logical or legal argument that can be found to justify deciding that parking spaces in a small section of the roadway are a “necessary” modification “to meet public safety objectives.” Clearly, the public safety of the entire town, which is the basis for the 20’ roadway access width – inbound and outbound – overrides any personal opinion about whether parking is needed or if an extra 6” of bike lane or buffer is desirable.

In addition, recommended Option #5 violates the City’s own, acknowledged “Core Value” of “a balanced, inclusive, and open approach to policy-making.” Any interpretation of

¹ The CAL FIRE [“Fire Hazard Severity Zones” maps designate Mill Valley](#) as being in a “High Fire Hazard Severity Zone” (VHFHSZ), which indicates an area that has the highest potential fire danger in the state of California. Mill Valley is actually one of only a few places in Marin County with this designation.

“balanced” would reasonably conclude that the public safety of all the town’s residents takes precedence over the parking needs of a few property owners on Miller Avenue.

Conclusion: The City’s determination and proposals regarding traffic lanes are insupportable and unnecessarily endanger the lives of all Mill Valley residents in the event of a catastrophic emergency access event.

7 - The Option #5 preferred proposal defies common sense

As previously noted, state and federal highway standards and the Guidelines found in the Caltrans Highway Design Manual indicate that 10’ wide car travel lanes are perfectly adequate for roadways with the posted speed limits in the Parkway section of Miller Avenue. Yet, the City has failed and willfully ignored these guidelines and their implications about the potential options for the Parkway roadway design.

The Staff Report and recommendations fail to provide any rationale for removing two traffic lanes in either direction, when the required roadway and reasonable bicycle lane/buffer width exists to allow it. Certainly, it is unarguable that there are no public safety benefits to the removal of traffic lanes.

Conclusion: It appears that the City’s failure to address the facts has been intentional in order to continue to come to a predetermined conclusion by the City Council, that only a one-lane design is acceptable.

8 – The City must consider other design alternatives

The sum total of the preceding comments suggest that the City must consider other design alternatives, such as an Option #6. This design alternative would provide for two 10’-0” traffic lanes, a 5’-0” Class II bike lane and a safety buffer that would vary from 1’-3” to 1’-9” wide (inbound and outbound), prior to its making its final decision on these matters.

Under *Title 14, Chapter 3, Article 9, Section 15126.6 Consideration and Discussion of Alternatives to the Proposed Project*, it states,

*(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, **which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project**, and evaluate the comparative merits of the alternatives. [Emphasis added]*

The present range of alternatives presented (the “Options”) fails to fulfill that requirement by failing to provide Option #6 noted above.

And

The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

And under “(b) Purpose”

*The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.** [Emphasis added]*

And under “(c)”

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Certainly, Option #6 is perfectly feasible and since it makes fewer changes to the originally approved Miller Avenue Streetscape Plan and provides for a free and clear, 20 foot wide, emergency access right of way at all times, it categorically reduces the significance of environmental and hazards impacts. Therefore, the City must consider Option #6 and if not approved, **clearly demonstrate** why this option does not qualify as the preferred option.

Conclusion: The City must consider and make specific findings regarding an Option #6, and any other reasonable design alternatives, prior to its final decision hearings on the matter.

9 - The City’s claim that there are a lack of emergency access and preparedness standards for their evacuation plans is an excuse to ignore the potential life threatening impacts of a catastrophic emergency evacuation event

In our [ongoing comments](#), CVP has argued that Mill Valley’s emergency evacuation plans are almost identical to the plans that the town of Paradise relied upon, and what a horrific failure those plans turned out to be. As we pointed out in our comments on the City’s evacuation plans in [a recent Marin Post article](#), which was submitted to all City Council members, the City’s current emergency evacuation plans (noted in the Addendum to the MND) are grossly inadequate.

The section of the Addendum to the MND, under *Hazards*, is essentially a lengthy rationalization for the City’s pre-determined Option conclusion, based on nothing more

than conjecture. Again, the facts and findings regarding the Paradise Fire support this statement.

Page 7 of the Addendum to the MND states,

*Egress During an Emergency... During an emergency that necessitates immediate or delayed egress from the community, it is essential to ensure adequate control of key intersections. Often, intersections (four way stops or otherwise controlled) act as choke points during an evacuation slowing progress. **The Department of Public Works or Police Department will take control of the intersections to facilitate evacuation.** The underlying goals of community evacuation do not exclusively focus on speed, as much as being effective, efficient and safe. [Emphasis added]*

Again, considering the actual facts and circumstances during many of California's wildfires, the assertion that "The Department of Public Works or Police Department will take control of the intersections to facilitate evacuation" is absurd. There is no evidence whatsoever that would lend anyone to assume that this will actually be achievable during the chaos of a catastrophic event. Further, the CEQA analysis should describe the analytical basis and/or data that supports the Addendum's assertion that such intersection control will somehow mitigate the project's potential to inhibit escape routes along the entire route.

If history has proved anything, it is that under such circumstances people do not act "logically" or respond as "planned." In addition, the City simply does not have the manpower to control all of the intersections impacted, nor can it even guarantee that its emergency responders will even be available to assist -- the vast majority do not live in Mill Valley but more often in Sonoma County. The Addendum ignores these facts.

In light of this, the City makes exhaustive and verbose excuses for ignoring the issues raised and warnings from the Paradise Fire disaster, and the lack of agreed upon standards in this regard, to justify its negligence.

In the Addendum to the MND, it states,

Staff placed inquiries into FEMA and a number of emergency evacuation experts, and was notified that there is no standard for what is an acceptable amount of evacuation time. Rather than a standard requirement, the industry attempts to determine what the appropriate evacuation warning time should be based on estimated neighborhood clearance times. Said another way; if safety officials believe it will take 30 minutes to evacuate a neighborhood, than evacuation sirens and warnings would be initiated to evacuate the neighborhood more than 30 minutes in advance of the emergency. The safety plan reacts to the circumstances of the roadway network/infrastructure, rather than designing a roadway network to a specific evacuation time constraint. As noted below, the speed of an evacuation may be less of a concern than the effectiveness and efficiency of the evacuation.

This lack of consideration for recent events and failures of emergency evacuation planning by others speaks for itself.

Thank you for your consideration and this opportunity to submit our comments.

Sincerely,

Bob Silvestri
President



Cc: Jim McCann, Patrick Kelly, Kelsey Rogers

Attachments:

Comment Letters:

071417 - CVP comment to MV CC re Parkway Plan
080617 - CVP to Mill Valley City Council - Comment on One Lane Proposal
031818 - CVP comment on Parkway Pilot Project CEQA Compliance
032018 - CVP Follow up Comment on Parkway Pilot Project

Legal Comment Letters:

08-12-17 – E.Yates letter to Danielle Staude
09-12-17 – E.Yates letter to MV City Attorney Inder Khalsa

Published Articles Submitted:

[071417 - The Mill Valley City Council must honor the approved Miller Avenue Streetscape Plan](#)
[091517 - 17 years later, the Miller Avenue Streetscape Plan was illegally hijacked in the 11th hour - Part I](#)
[092417 - The hijacking of the Miller Avenue Streetscape Plan - Part II](#)
[092917 - The hijacking of the Miller Avenue Streetscape Plan - Part III](#)
[111718 - Mill Valley City Council continues to carelessly endanger the lives of residents](#)
[112718 - The City of Mill Valley must honor its commitment to an open public process](#)
[010419 - The Mill Valley City Council is ignoring the lessons of the Paradise Fire](#)