

2.0 REVISED PROJECT

Since publication of the Draft Environmental Impact Report (EIR) for the Northgate Mall Redevelopment Project, the project sponsor has refined certain elements of the project design, herein referred to as the “revised project” and more fully described in this chapter. No other changes to the project evaluated in the Draft EIR are proposed. The revised project would constitute the uses and design that would be reviewed and considered by City decision-makers for the Final EIR certification and project approval, and is therefore also referred to as the “proposed project” in the Final EIR.

This chapter presents revisions to the project that was described and evaluated in the Draft EIR and summarizes the environmental impacts that would be associated with those revisions to the project, as compared to the project impacts identified in the Draft EIR. This discussion concludes that the changes to the project do not amount to the addition of significant new information requiring recirculation of the Draft EIR because they would not result in any new or substantially more severe significant environmental impacts than those already identified in the Draft EIR, and there are no new mitigation measures or alternatives that are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more of the project’s significant effects on the environment, but which the project sponsor has declined to adopt. Changes to the project and associated environmental impacts are also considered and incorporated into the responses to comments provided in Chapter 4.0 of this document.

2.1 PROJECT EVALUATED IN THE DRAFT EIR

Chapter 3.0, Project Description, of the Draft EIR provides a complete description of the original proposed project as identified in the application materials submitted by the project sponsor to the City of San Rafael (City), dated June 11, 2021, and updated May 9, 2023.¹ The proposed project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. The proposed project would be developed in two phases. As described in Chapter 3.0, Project Description, of the Draft EIR (pgs. 3-25 through 3-53), the proposed project at full buildout would include the following components: (1) demolition of 648,807 square feet of existing commercial space; (2) retention of existing and/or construction of approximately 217,520 square feet of commercial space; (3) development of 1,422 residential units (1,746,936 square feet), of which 147 units (10.3 percent) would be set aside for low-income households; (5) development of 705,384 square feet of open space and landscaping, including a 48,075-square-foot Town Square; and (6) the installation of various associated site improvements, including modifications to the internal circulation, parking, and infrastructure improvements. Building heights would vary across the site up to a maximum of 78 feet.

The following summarizes the project as described and evaluated in the Draft EIR. Refer to Chapter 3.0 of the Draft EIR for a complete description.

¹ Merlone Geier Partners, LLC. 2022. City of San Rafael General Planning Application for the Northgate Town Square Project. June 11. Updated May 2023.

2.1.1 2025 Master Plan (Phase 1)

Phase 1 (also referred to as the 2025 Master Plan) would generally include the demolition of the RH Outlet building, the HomeGoods building, and the Mall Shops East, which is approximately 144,432 square feet of the main building, and construction of approximately 44,380 square feet of new commercial space and up to 922 residential units (96 of which would be set aside for low-income households) (see Draft EIR, Table 3.B).

New commercial construction that would occur in Phase 1 would consist of an approximately 20,000-square-foot addition to the existing Century Theatre space, and the construction of four new commercial spaces, including a 5,000-square-foot retail pad, a 6,200-square-foot retail pad, an 8,400-square-foot retail pad designed for a sit-down restaurant, and a 4,300-square-foot retail pad that would be designed for a drive-through restaurant. Commercial spaces identified as “Shops” are expected to include multiple tenants, while commercial spaces identified as “Pads” are expected to include only a single tenant. An approximately 200-square-foot San Rafael Police Department (SRPD) substation would also be on site.

Residential development would include the construction of a total of 922 residential units within three apartment-style residential buildings, each on their own parcel (Residential Parcels 1, 3, and 4) and 15 townhome buildings (containing 100 townhome units), all located on a fourth parcel (Residential Parcel 2). Of the 922 units, 96 would be set aside for low-income households, while the remaining 826 units would be offered at market rates.

Phase 1 would provide approximately 601,227 square feet of open space, which would consist of approximately 295,659 square feet of useable open space and approximately 305,568 square feet of landscaped area. Useable open space would include open space for each of the residential buildings. All of the residential areas would include common courtyards for residents, and the Residential Parcel 4 building would also include a rooftop deck. In addition, common open space would be provided adjacent to the Century Theatre building that would consist of approximately 12,934 square feet of outdoor amenity space with a bike hub/fix it station, a shipping container cafe with associated outdoor dining tables, a fire feature, and lounge seating. Adjacent to the Kohl’s building would be another outdoor amenity space consisting of 25,725 square feet of flexible turf area, a shipping container café, outdoor dining, lounge seating, and fire features. West of the Macy’s building would be an approximately 8,984-square-foot common open space area with landscaping and common seating areas. Phase 1 would also include the construction of a Town Square near the center of the project site, which would be approximately 48,075 square feet in size and would contain a large flexible lawn space, a dog park, children’s nature play features, a water feature, a flexible stage, fire features, lounge seating, and game tables.

Landscaping would be provided throughout the project site in the open space, along internal roadways and pedestrian paths, within the surface parking lots, and along the site boundaries. Parking structures or private garages would be provided for each residential building. Nine surface lots would provide an additional 1,903 spaces for commercial uses.

A detailed description of Phase 1 development is provided in Section 3.3.1 of the Draft EIR.

2.1.2 2040 Vision Plan (Phase 2)

Phase 2 (also referred to as the 2040 Vision Plan) would generally include the demolition of the 254,015-square-foot Macy's building and 79,051-square-foot Kohl's building, and the construction of up to 55,440 square feet of new commercial space and up to 500 additional residential units (51 of which would be set aside for low-income households).

Phase 2 of the proposed project would begin with demolition of the Macy's building, the Kohl's building, and Shops 1. New commercial construction during Phase 2 would consist of the construction of two new major tenant spaces, two new shop spaces, and three new retail pads (one of which would be designed to be a drive-through restaurant). Overall, Phase 2 would result in a reduction in gross leasable area on the project site from approximately 501,941 square feet to 217,520 square feet. Therefore, it is estimated that Phase 2 would result in a reduction in employees from approximately 1,434 to 621.

Residential development in Phase 2 includes two new residential buildings that would contain a total of 500 residential units within two apartment-style buildings, each on their own parcel (Residential Parcels 5 and 6). Of the 500 units, 51 would be set aside for low-income households, while the remaining 449 units would be offered at market rates. Accordingly, 10.2 percent of the new units provided under the 2040 Vision Plan would be affordable to low-income households.

Phase 2 would provide approximately 705,384 square feet of open space, which would consist of approximately 377,409 square feet of useable open space and approximately 327,975 square feet of landscaped area. In addition to the useable open space at the residential buildings included in Phase 1, the Residential Parcel 5 building would include four courtyards, a rooftop deck, and additional open space areas totaling approximately 37,838 square feet, and the Residential Parcel 6 building would include two courtyards, a rooftop deck, and additional open space areas totaling approximately 38,308 square feet.

Landscaping would be provided throughout the project site in the open space areas mentioned above, along internal roadways and pedestrian paths, within the surface parking lots, and along the site boundaries. In addition to the parking structures provided for each of the residential buildings, Phase 2 would also include eight surface parking lots throughout the project site, providing 1,325 spaces for commercial uses.

A detailed description of Phase 2 development is provided in Section 3.3.2 of the Draft EIR.

2.2 REVISED PROJECT

On June 4, 2024, the project sponsor re-submitted the project application² with a number of design refinements and revised entitlement requests, referred to herein as the "revised project." This submittal occurred after the Draft EIR public comment period ended on March 5, 2024. A comparison between the proposed project evaluated in the Draft EIR and the revised project is provided in Table 2.A.

² Merlone Geier Partners, LLC. 2024. Northgate Town Square Redevelopment Plan Refinements Plan Set. June 4.

Table 2.A: Proposed Project and Revised Project Comparison

	Proposed Project Draft EIR	Revised Project Final EIR	Change
Commercial			
Commercial – Phase 1			
Demolition	308,946 sf	308,946 sf	0
Existing to Remain	457,561 sf	457,561 sf	0
New	44,380	44,380 sf	0
Total	501,941	501,941 sf	0
Employees (1 per/350 sf)	1,423	1,423	0
Commercial – Phase 2			
Demolition	339,861 sf	339,861 sf	0
Existing to Remain	162,080 sf	162,080 sf	0
New	55,440 sf	57,300 sf	+1,860 sf
Total - Overall	217,520 sf	219,380 sf	+1,860 sf
Employees (1 per/350 sf)	621	627	+6
Residential			
Residential – Phase 1 (units)			
Residential Parcel 1 (apartments changed to townhomes)	96	38	-58
Residential Parcel 2	100	100	0
Residential Parcel 3	280	280	0
Residential Parcel 4	446	446	0
Total Phase 1	922	864	-58
Residential – Phase 2 (units)			
Residential Parcel 5 (five-story changed to six-story apartment)	251	309	+58
Residential Parcel 6	249	249	0
Total Phase 2	500	558	+58
Total Residential	1,422	1,422	0
Residents (full occupancy)			
Residents – Phase 1 (2.49/unit)	2,296	2,151	-145
Residents – Phase 2 (2.49/unit)	1,245	1,390	+145
Total Residents	3,541	3,541	0
Square Footage			
Total Residential Square Footage	1,746,936 sf	1,766,265 sf	+19,329 sf
Affordable Housing			
Phase 1	96	87	-9
Phase 2	51	56	+5
Total	147	143	-4
Open Space			
Open Space	705,384 sf	654,012 sf	-51,372 sf
Usable Open Space	377,409 sf	329,142 sf	-48,267 sf
Landscape Planting Area	327,975 sf	324,870 sf	-3,105 sf
Landscape %	16.8%	16.7%	-0.1%

Source: Northgate Town Square Redevelopment Plan Refinements Plan Set (Merlone Geier Partners, LLC, June 4, 2024).

EIR = Environmental Impact Report

sf = square feet

The revised project would include the following components; all other aspects of the proposed project as evaluated in the Draft EIR would remain the same.³ Project changes are further identified in Figures 2-1 through 2-3.

³ Design refinements that are irrelevant to the analysis in the Draft EIR are not specifically identified in this RTC Document but may be noted in the staff report.



FIGURE 2-1

LSA



0 120 240
FEET

SOURCE: MerloneGeier Partners, 6/4/2024

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Northgate Mall Redevelopment Project EIR
Revised 2025 Master Plan

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FIGURE 2-2

LSA



0 120 240
FEET

SOURCE: MerloneGeier Partners, 6/4/2024

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Northgate Mall Redevelopment Project EIR
Revised 2040 Vision Plan

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FIGURE 2-3

LSA



NOT TO SCALE

SOURCE: MerloneGeier Partners, 6/2024

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Northgate Mall Redevelopment Project EIR
Revised Town Square Detail

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2.2.1 Building Program

Revisions to the commercial and residential building programs for Phases 1 and 2 of the project are described below.

2.2.1.1 Commercial Buildings

No changes to the commercial building program other than enhancements to architectural details in response to feedback from the September 6, 2023 Design Review Board meeting would occur under Phase 1 of the Master Plan. Phase 2 of the Vision Plan (project buildout) would include a nominal 1,860-square-foot increase in the commercial square footage. Commercial square footage provided by the project would increase from 217,520 square feet to a total of 219,380 square feet at buildout.⁴

2.2.1.2 Residential Buildings

Overall, the revised project increases the total residential square footage by 19,394 square feet from 1,746,936 square feet to 1,766,625 square feet. The total number of units provided (1,422) remains unchanged, although the total number of units by phase would differ. The number of units in Phase 1 would be 864 (a decrease of 58), and the number of units in Phase 2 would be 558 (an increase of 58).

Phase 1 of the Master Plan previously was designed to provide the City's affordable housing requirement for that phase by locating 96 low-income units within a single building dedicated exclusively to affordable housing (Residential Parcel 1). The revised project integrates required affordable housing units throughout the residential structures, thereby providing market-rate and affordable units throughout all residential parcels.

The revised project includes 38 townhome units where the 96-unit affordable housing apartment building was previously located (Residential Parcel 1). The townhomes in Residential Parcel 1 would utilize the same unit prototypes and exterior design as those provided in Residential Parcel 2. The height of the townhome buildings on the Residential Parcel 1 would be 35 feet, a decrease from 58 feet for the 96-unit apartment building previously proposed.

The remaining 58 units would be relocated to the Residential Parcel 5 building, increasing the unit count from 251 to 309 units. To accommodate the additional units, the Residential Parcel 5 building would be six instead of five stories, with an increased height from 58 feet to 68 feet. Elevator

⁴ As stated on page 3-26 of the Draft EIR, "the technical reports prepared for the proposed project evaluated 498,661 square feet of commercial area during Phase 1 and a total of 225,100 square feet of commercial area at project buildout (implementation through Phase 2); this minor increase in Phase 1 square footage and decrease in buildout square footage would be negligible and would not substantially change the analysis or conclusions presented in the technical reports prepared for the project (refer to specific topical sections in Chapter 4.0 of this EIR for further explanation). The analysis in this EIR evaluates the maximum development potential for the proposed project." The total commercial square footage for the revised project is still below the total buildout square footage assumed in the Draft EIR analysis.

penthouses and other projections would reach to 90 feet in height, an increase of 15 feet. A rooftop pool deck on top of the parking garage would be provided in the Residential Parcel 5 building.

The revised project would continue to set aside 10 percent of units for affordable housing, with a slight decrease from the proposed project (from 147 to 143) but in full compliance with the City's inclusionary housing ordinance. A total of 87 units would be built during Phase 1, and 56 units would be built during Phase 2.

2.2.2 Landscaping and Open Space

The total square footage of open space would decrease from 705,384 square feet to 654,012 square feet with the revised project. However, the size of the Town Square to be developed during Phase 1 would increase from 48,075 to 56,975 square feet. The synthetic turf has been changed to natural turf. There are also fewer boulders to make the lawn more open and usable. Trees have been added along the perimeter of the open turf space for shade, the Town Square spill-out spaces have overhead cover, and the pavilion has additional seating to provide shade. The large space along the north part of the Town Square would be dedicated for a larger feature playground. The dog park would be moved to a smaller portion of the Town Square. Other minor changes to landscaping and outdoor amenities would also occur.

In addition, no fire pits (using natural gas or any other fuel) would be included in the revised project and they are no longer shown on the June 2024 plans.

As part of the adjustments to the Town Square, the bike hub located in front of the Cinema is slightly reduced in size from 12,934 square feet to 9,604 square feet.

2.2.3 Parking and Circulation

No changes to the total number of parking spaces or circulation are proposed. In order to increase the size of the Town Square, one row of parking as shown in the original proposal has been removed but additional parking has been added in front of nearby Shops 3. The bike rest stop along the corner of Northgate Drive and Las Gallinas Avenue has been adjusted with additional amenities (a water fountain, benches, a dog waste dispenser, and bike racks).

2.2.4 Project Approvals

Table 3.F of the Draft EIR identified that approval of a Development Agreement was anticipated for the proposed project. However, the project sponsor has withdrawn its request for a Development Agreement. Withdrawal of the request for a Development Agreement does not affect the project as described in the Draft EIR or the evaluation of environmental issues.

Specific proposals for the project's requested Master Sign Program were submitted as part of the revised project application.

2.2.5 Project Design Refinements

The landscape, bicycle connectivity plans, and fence/wall plans have been slightly revised to accommodate changes at Residential Parcel 1 and the Town Square and to address Design Review Board (DRB) comments related to uses, amenities, and screening of and between uses.

Modest changes to project design/architecture, landscape, and open space areas throughout the site include but are not limited to:

- Adding color fiber cement siding and slate stone veneer to buildings;
- Adding a stone base to selected elevations;
- Further articulating building elevations with stone bases, horizontal trim, and vertical breaks;
- Incorporating gabled canopies to building frontages facing the Town Square;
- Modifying storefront awnings and light fixtures to enhance pedestrian experiences at ground level;
- Adding trellises to private decks above two-story bases facing the Town Square;
- Replacing porcelain tile with warm-colored stone veneer on selected elevations;
- Adding a variety of plaster colors; and
- Providing additional varied landscaping at selected intersections to provide better gateway differentiation.

2.3 ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT

The Draft EIR provided a discussion of potential impacts related to the following topics:

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|-----------------------------------|----------------------------------|
| • Land Use and Planning | • Transportation |
| • Population and Housing | • Air Quality |
| • Visual Resources | • Greenhouse Gas Emissions |
| • Cultural Resources | • Noise |
| • Tribal Cultural Resources | • Public Services and Recreation |
| • Geology and Soils | • Utilities and Service Systems |
| • Hydrology and Water Quality | • Energy |
| • Hazards and Hazardous Materials | |

The project revisions described above are relatively minor in nature, would not substantially change the uses or alter the overarching physical changes or objectives of the proposed project as detailed in the Draft EIR, would not extend beyond the current limits of the project site, would not substantially increase the overall amount of development proposed, would not include new uses previously not considered in the Draft EIR, and would not alter the type of utility, infrastructure, and/or service requirements necessary for the construction and occupation/operation of the proposed uses. As further explained below for each environmental issue topic evaluated in the Draft EIR, the revised project does not add significant new information to the Draft EIR or substantially alter the analysis or conclusions in the Draft EIR.

2.3.1 Land Use and Planning

Similar to the project evaluated in the Draft EIR, the revised project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. Changes in the type and location of residential units, the minor increase in overall commercial space, changes to the location and size of the Northgate Town Square, and the project design refinements would not disrupt or divide an existing community.

The proposed project evaluated in the Draft EIR was found to “generally be consistent with the overall vision and intent of the General Plan,” fitting within the overall development assumed under the City’s General Plan, as well as the specific density requirements for the project site (see Draft EIR, pg. 4.1-9) As shown on Table 4.1.A of the Draft EIR (see pg. 4.1-13), the proposed project would only be partially consistent with General Plan Policies C-4.2B, C-4.5, and C-5.2 (climate change policies) because the project would allow use of natural gas appliances in commercial kitchens, and Policies N-1.2, N-1.5, and N-1.9 (noise standards) because the project could result in noise levels at on-site residences that would exceed the City’s land use compatibility standards. The project revisions do not change the proposed use of natural gas or substantially alter the amount of commercial square footage; therefore, these inconsistencies would remain. As discussed in Draft EIR Section 4.12, Noise, the introduction of new residential-type, noise-sensitive receptors on the project site would be exposed to noise levels in excess of City standards and would require some applied noise reduction or other project design feature at on-site outdoor-exposed heating, ventilation, and air conditioning (HVAC) systems, subsurface parking level ventilation systems, and/or above-grade exposed parking areas. These noise reduction methods, further detailed below as part of the on-site noise compliance requirements (see Draft EIR, Mitigation Measure NOI-2, pg. 4.12-31) may not be sufficient to attain noise reduction needs at affected future on-site residential receptors so that noise levels would exceed the applicable City standard; therefore, under the proposed project, this noise impact would be significant and unavoidable and would result in inconsistency with Policies N-1.2 and N-1.5. The revised project does not change the number or overall location of new residential on-site noise sensitive receptors. The change in unit type from apartment to townhome in Residential Parcel 1 results in the movement of units to Residential Parcel 5 (adding a sixth floor), an area previously planned for multi-family residential development. The noise impacts resulting from the construction and operation of the revised project would be no more severe than those previously identified with the proposed project. Therefore, similarly, the partial inconsistency with General Plan Policies N-1.2, N-1.5, and N-1.9 (noise standards) would still occur.

The City may determine that, overall, compliance with the vision and intent of the General Plan has been achieved, and these impacts have been mitigated to the extent feasible, given applicable economic, legal, social, technological, and other considerations. Due to the similar nature to the proposed project, a less than significant impact related to consistency with General Plan policies adopted to mitigate adverse environmental impacts would result from implementation of the revised project.

2.3.2 Population and Housing

Like the proposed project, the revised project would result in the redevelopment of the existing mall through demolition, renovation, and new construction to accommodate a mix of commercial and residential land uses. A minor increase (1,860 square feet) of commercial space would be provided under Phase 2. Commercial square footage provided by the project would total 219,380 square feet. Though the number of residential units provided on site remains unchanged, residential square footage is increased by 19,394 square feet to 1,766,625 square feet. At full buildout, slightly more than 10 percent of the proposed residential units (i.e., 143 of the 1,422 units) would be provided to Below Market Rate (BMR) households in compliance with Section 14.16.030 of the City's Zoning Ordinance.⁵ While the revised project provides slightly fewer BMR housing units than the original project (147 versus 143), it still exceeds the affordable housing requirement established by the City.

Construction of the proposed project would provide short-term construction jobs with buildout expected by 2040. Many of the construction jobs for each phase would be temporary and specific to the different types of construction activity. Generally, construction workers are only at a job site for the time frame in which their specific skills are needed to complete that phase of construction. Although the proposed project would slightly increase the number of employees at the project site during construction activities, it is expected that local and regional construction workers would be available to serve the construction needs of the project, and construction workers would not be expected to permanently relocate their household as a consequence of working on the proposed project due to the short-term nature and localization of the construction work (see Draft EIR, pg. 4.2-12). Due to the similarity in the type, scale, and extent of construction required under the revised project, no substantial change in the type or duration of construction or requirement for construction workers would occur. Although some existing commercial spaces are currently vacant, based on a ratio of 1 employee per 350 square feet, full occupancy of *existing* commercial uses would employ up to 2,190 people (or 2,081 people assuming an average 5 percent vacancy). Due to the limited increase in commercial space, at full occupancy, the revised project would provide up to 627 jobs, a slight increase compared to the 621 jobs provided by the proposed project. Refer to Master Response 3 in Chapter 4.0 of this RTC Document for additional discussion regarding vacancy assumptions.

Based on San Rafael's average household size of 2.49 persons, which applies to a range of housing types as outlined in the General Plan (and is thus conservatively applied to the proposed townhome and apartment development), because the number of residential units provided under the proposed and revised project do not differ from that identified in the Draft EIR, no change in the population increase identified in the Draft EIR would occur. The site's contribution to population increase in the city (64 and 39 percent of San Rafael's anticipated population growth by in 2025 and 2030, respectively) would remain unchanged under the revised project (see Draft EIR, pg. 4.2-13). Therefore, similar to the proposed project, the revised project is consistent with the forecasted

⁵ Section 14.16.030 requires that a minimum of 5 percent of the units be provided on site as BMR. While the City's Zoning Ordinance only requires 5 percent to be located on the project site, all of the affordable units would be provided on the project site. Additionally, very-low-income units are not required by the City. Affordable units would consist of units restricted to low-income households. Low-income households are those earning between 51 and 80 percent of the area median income, subject to adjustment factors.

population growth planned for in the San Rafael General Plan 2040 and Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) Projections 2040, and the revised project would not result in substantial unplanned population growth. Instead, the revised project would contribute to the needed and planned supply of housing, including affordable housing. Therefore, like the proposed project, impacts under the revised project would be less than significant.

Because residential uses are not currently located on site, neither the proposed nor the revised project would directly displace people or housing units, thereby necessitating the construction of housing elsewhere; therefore, impacts would remain less than significant.

2.3.3 Visual Resources

Because it entails redevelopment of the project site in substantially the same manner, the revised project would have similar impacts on the aesthetic condition of the project area. Under the revised project, the large residential building on Residential Parcel 1 would be replaced by townhomes. To accommodate the change and number of units, 58 units would be added to the Residential Parcel 5 building, thereby increasing its parapet height to 68 feet. The heights of townhome buildings on Residential Parcel 1 would be reduced in height from 58 to 35 feet. Similar to the proposed project, the revised project would result in an increase in density and intensity of uses at the project site that would partially or further obstruct already limited views of surrounding hillsides and mountains, including San Pedro Ridge to the east and San Rafael Hill to the south. Because the seven-story Residential Parcel 4 building is located directly south of the Residential Parcel 5 building, increasing the height of the Residential Parcel 5 building to 68 feet would not substantially obstruct views to a greater extent than that which has already been assessed in the Draft EIR (see Draft EIR, Figures 4.3-7 and 4.3-8). Intermittent views of surrounding hillsides and mountains would still be available from all six representative viewpoints that depict publicly accessible views of the project site. Furthermore, because hillside views are already obstructed under existing conditions, existing views from the project site and surrounding areas are not considered to be of such high quality as to constitute a scenic vista. The small increase in commercial square footage, changes to the size and configuration of the Northgate Town Square, and design changes related to façade treatments, landscaping, and outdoor amenities (e.g., walls, trellises, canopies) would not substantially alter or adversely affect public views of the site. Therefore, similar to the proposed project, the revised project would not substantially or completely block public views of identified scenic resources, no new or substantially more severe significant impact to scenic resources and vistas would occur, and impacts would remain less than significant.

The nearest eligible State Scenic Highways include State Route 37 (SR-37) and US-101 in Novato, both of which are located approximately 5 miles north of the project site. The nearest officially designated State Scenic Highway is Interstate 580 (I-580) in Oakland, which is located approximately 19.4 miles southeast of the project site. Because the location of the project site is unchanged, similar to the proposed project, the revised project would have no impact on scenic resources within a State Scenic Highway.

Due to its similar nature and scale of development, compared to the project assessed in the Draft EIR, the revised project would have an equal effect on the visual character of the project site. This

change would result from the demolition of existing structures, construction of new buildings and associated improvements, and intensification of existing land uses. The revised project would still rezone the site to the Planned Development (PD) District, allowing for flexibility in the design and development of mixed uses that is responsive to site conditions. As with the proposed project, the revised project is undergoing Environmental and Design Review to ensure that the project meets all the guidelines, standards, and objectives related to building design and aesthetics and that the project's design is compatible with and appropriate for its surroundings. Compliance with the goals, policies, and programs in the General Plan, ordinances in the San Rafael Municipal Code, and additional City standards related to scenic quality would ensure that development under the revised project would not conflict with the San Rafael General Plan or impede attainment of a complementary visual relationship between the site and existing and planned uses in the project area. As such, no new or substantially more severe significant impact would result from development of the revised project; similar to the proposed project, impacts would be less than significant.

The project site is located in an urban area with a variety of existing light sources, including street and parking area lights, interior and exterior building lighting, and light associated with traffic on nearby roadways. Similar to the proposed project, the revised project would introduce new sources of light and glare to the area in the form of new windows, new interior lighting, new exterior safety and security lighting, and vehicle lighting. While building heights up to 68 feet with projections up to 90 feet would make light from the project site noticeable from off-site locations, it would be absorbed and blended into the overall lighting patterns that already exist in the area. The revised project would be subject to various Municipal Code and General Plan requirements that would minimize potential impacts related to light and glare that may result from the increase in intensity at the project site. As such, implementation of the proposed project would not create a source of light and glare that would substantially or adversely affect day or nighttime views in the area, and this impact would be less than significant. Because the Residential Parcel 5 building under the revised project would be only 10 feet taller than the height previously assessed in the Shadow Study prepared for the proposed project and because of the distance of surrounding off-site uses from the Residential Parcel 5 building, the revised project would not cast new shadows on surrounding off-site uses, including the open space areas to the southeast, across Los Ranchitos Road. In particular, during the winter solstice, when shadows are generally the most prominent, new shadows from Residential Parcel 5 would only be cast on existing or proposed buildings on the project site, and the Draft EIR's conclusion would not change with the minor increase in building height for the Residential Parcel 5 building. Therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant.

2.3.4 Cultural Resources

The revised project would not substantially increase the project footprint, alter the type and function of proposed use, or extend construction beyond the current project limits; therefore, no change in the analysis or conclusions of the Draft EIR analysis as it relates to cultural resources would occur. The demolition of buildings, project grading, and the installation of new buildings, including excavations for building foundations and utility, would be essentially the same as that identified and analyzed in the Draft EIR.

The Northgate Mall does not appear to be eligible for inclusion individually or as part of a historic district in either the National Register of Historic Places (National Register) or California Register of Historical Resources (California Register), or as a city landmark. Therefore, the Northgate Mall does not qualify as a historical resource pursuant to the National Register or California Register criteria (Draft EIR, pg. 4.4-21), nor does it appear eligible for listing as a City landmark (Draft EIR, pg. 4.4-22). The project site is located adjacent to, but not within, the Terra Linda Valley neighborhood, a historic resource that appears eligible for listing as a city landmark. Like the proposed project, the revised project would not result in modifications to any of the buildings, contributing elements, or character-defining features of the historic district, nor would its operation disrupt or diminish the architectural significance of the Terra Linda Valley neighborhood; therefore, no impact would occur.

While no archaeological resources were encountered during the archaeological field survey conducted as part of the Draft EIR analysis (refer to Draft EIR, pg. 4.2-26), a moderate potential exists for the discovery of prehistoric archaeological resources due to the flat topography and the previous presence of a drainage to the south fork of Gallinas Creek. Because the location, type, or uses proposed are not substantially altered, this finding would apply equally to the project as modified under the revised project.

Similar to the proposed project, the revised project would result in potential archaeological resource impacts; however, these impacts would not be more severe than those identified in the Draft EIR. Implementation of Draft EIR Mitigation Measures CUL-1a through CUL-1c would be required to ensure that impacts to archaeological resources would be reduced to a less than significant level.

2.3.5 Tribal Cultural Resources

Although the project site is fully developed, tribal cultural resources still may exist below the paved areas on the project site that originally experienced limited and shallow soil disturbance, or at a deeper depth below existing buildings with shallow foundations. Additionally, as described in Section 4.6, Geology and Soils, the eastern portion of the site is covered by fill up to 20 feet deep. Placement of fill materials could have removed or dispersed native soils and any associated archaeological materials across the site. While excavation across the entire project site is not anticipated to extend to this depth, excavation could occur to this depth in areas of the project site, especially where basement levels are being removed or utility trenches would be installed. If significant tribal cultural resources are unearthed during project construction, a substantial adverse change in their significance could occur from their demolition, destruction, relocation, or alteration such that the significance of the resources would be materially impaired through loss of information important to the Federated Indians of the Graton Rancheria (see Draft EIR, pg. 4.5-5.)

The revised project would not substantially increase the project footprint, alter the type and function of proposed uses, or extend construction beyond the current surface or subsurface project limits; therefore, no change in the analysis or conclusions of the Draft EIR analysis as it relates to tribal cultural resources would occur. Similar to the proposed project, the revised project would result in potential impacts to tribal cultural resources. These impacts, however, would not be more severe than those identified in the Draft EIR and, with the implementation of Draft EIR Mitigation Measures TCR-1a and TCR-1b, would also be mitigated to a less than significant level.

2.3.6 Geology and Soils

The geologic and soils conditions of the site are identified in Section 4.6 of the Draft EIR. These existing conditions would equally affect any revised development undertaken on the project site. The revised project does not extend the project beyond the existing site boundaries, nor does it substantially alter the number, type, or location of planned uses. The change in unit type from apartment to townhome in Residential Parcel 1 results in the movement of units to Residential Parcel 5 (adding a sixth floor), an area previously planned for multi-family residential development. Other project refinements, including a slight increase in commercial space and expansion of the Northgate Town Square, occur within areas for which impacts have already been determined to be less than significant for fault rupture, ground shaking, liquefaction, landslide, or lateral spreading. Therefore, due to the similar type, scale, and location of the revised project, potential impacts related to these seismic conditions during the construction and operation of the revised project would be similar to the proposed project and less than significant.

Similar to the proposed project, the revised project could expose occupants to seismic hazards related to expansive soils and settlement/subsidence/collapse. The Geotechnical Investigation indicates that excavated on-site soil is generally not suitable from a geotechnical perspective for reuse as engineered fill or backfill. The Geotechnical Investigation includes recommendations to address expansive soils (including the selection, placement, and compaction of engineered fill beneath proposed improvements) and maintaining surface drainage so that runoff would be collected in lined ditches or drainage swales, and would not pond adjacent to foundations, roadways, pavements, retaining walls, or slabs (Draft EIR, pg. 4.6-15). Mitigation Measure GEO-1 (Lining of Bioretention Planters) (Draft EIR, pg. 4.6-16) would control the risk of damage to proposed and existing improvements that may result from expansive soils. Mitigation Measure GEO-2 (Preparation of a Design-level Geotechnical Report) would ensure that potential impacts related to static settlement, subsidence, or collapse of unstable soil would be minimized to the extent feasible through compliance with site-specific construction and engineering practices to be detailed in a design-level geotechnical report. Compliance with these measures would ensure that impacts are reduced to below a level of significance and consistent with accepted practices throughout the State.

Because the revised project includes the development of the same uses within the same project footprint, a similar potential impact related to expansive and unstable/collapsible soils would occur. Mitigation Measures GEO-1 and GEO-2 are equally applicable and appropriate for development of the revised project. Because the revised project would implement these measures, the revised project would similarly reduce impacts from these geologic conditions to a less than significant level; therefore, no impact more severe than that identified in the Draft EIR would result from the project refinements.

There are no unique geologic features at the project site; therefore, the revised project would not impact any such feature. Due to the similarities in location and use, the revised project would include similar excavation activities for construction of foundation features and utilities, which could potentially encounter and damage or destroy paleontological resources. Therefore, the revised project has a similar potential to affect paleontological resources that may be present in the site's native soil and bedrock. The Draft EIR (pg. 4.6-22) identified Mitigation Measure GEO-3

(Paleontological Resource Protection) that would be equally applicable and appropriate to implement during the construction of the revised project. The revised project would not result in impacts more severe than that associated with the proposed project. With the implementation of Mitigation Measure GEO-3, similar to the project assessed in the Draft EIR, paleontological resource impacts resulting from development of the revised project would be reduced to a less than significant level.

2.3.7 Hydrology and Water Quality

Stormwater runoff from the project site is captured in catch basins and conveyed through underground storm drains located throughout the project site that discharge into larger diameter storm drains located around the perimeter of the project site, including those that drain to 49-inch-diameter storm drains along Los Ranchitos Road and Las Gallinas Avenue, which converge near Merrydale Road, discharge into a culvert that crosses beneath US-101, and then discharge into a drainage channel that connects to the south fork of Gallinas Creek. Stormwater runoff from the project site is not currently treated to remove contaminants (see Draft EIR, pg. 4.7-1). Groundwater has been encountered at depths ranging between approximately 11 feet and 33 feet during past geotechnical investigations of the project site. Groundwater was encountered at depths as shallow as approximately 7 to 10 feet in the southeast portion of the project site during groundwater sampling activities performed in June 2017.

Because the revised project entails substantially the same type, level, and location of development, similar to the proposed project, the revised project would involve construction activities such as excavation, grading, and groundwater dewatering, which can increase the potential for erosion and sedimentation from stormwater runoff and for the leaching/transport of potential contaminants from disturbed soil. Construction activities would also involve the use of construction materials, equipment, and hazardous materials that can be sources of stormwater and groundwater pollution. If stormwater contacts disturbed soil and/or improperly stored hazardous materials, sediments and contaminants could be entrained in stormwater runoff that could reach waterways and degrade water quality, potentially resulting in a violation of water quality standards.

The Construction General Permit allows the discharge of non-contaminated dewatering effluent if the water is properly filtered or treated using appropriate technology. In accordance with Construction General Permit requirements, a Stormwater Pollution Prevention Plan (SWPPP) would be developed and implemented to identify all potential pollutants and their sources, including a list of site-specific Best Management Practices (BMPs) to reduce discharges of construction-related stormwater pollutants. The SWPPP would include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. Furthermore, and if approved by the Regional Water Quality Control Board (RWQCB,) site-specific Waste Discharge Requirements (WDRs) required under National Pollutant Discharge Elimination System (NPDES) would be implemented. These site-specific WDRs contain rigorous monitoring requirements and performance standards that, when implemented, ensure that receiving water quality is not substantially degraded.

As discussed in Section 4.8 of the Draft EIR, Mitigation Measure HAZ-2 (Soil and Groundwater Management Plan) requires the project sponsor to engage with the appropriate regulatory agency to provide oversight of additional subsurface investigation at the project site, preparation and

implementation of a Soil and Groundwater Management Plan (SGMP) due to the potential for detectable levels of contaminants (perchloroethylene) used at former businesses on the project site, and the project's potential to contribute groundwater contamination. The SGMP would include guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements. Additionally, Mitigation Measure HYD-1 (Prevent Potential Groundwater Contamination Migration) requires evaluation pursuant to the appropriate agency (e.g., RWQCB) and the implementation of measures to prevent the migration of groundwater contamination during dewatering activities.

The proposed project would be required to implement post-construction stormwater management and treatment measures to reduce pollutant loads in runoff in accordance with Section E.12 of the Small Municipal Separate Storm Sewer System (MS4) Permit. The project must prepare a Stormwater Control Plan (SCP) that describes how runoff would be routed to Low Impact Development (LID) stormwater treatment facilities that are sized and designed using either volumetric or flow-based criteria specified in the Small MS4 Permit, and the SCP must be approved by the City. The City's review of the project designs and SCP would ensure that the project complies with the stormwater control and treatment regulations discussed above. Because stormwater runoff from the project site is not currently treated and the project would include stormwater treatment, the project would result in less contamination of surface water than existing conditions. The revised project would be required to adhere to these same standards and requirements. Further, the Northgate Town Square would be expanded and the turf material changed from synthetic to natural cover. Similar to the project evaluated in the Draft EIR, because the revised project would include the use of municipal recycled water for all landscape irrigation, the revised project must be designed and managed such that no untreated stormwater discharge occurs unless it is the result of the 25-year, 24-hour storm event in accordance with the City's Municipal Code. Furthermore, recycled water is highly regulated by the State Water Resources Control Board (SWRCB) and is treated to a quality that reduces pathogen levels to below thresholds that would affect public health; therefore, recycled water is safe for recreational use.⁶

Due to the similar type, extent, and location of the uses planned in the revised project, Mitigation Measures HYD-1 and HAZ-2 are equally applicable and effective to reduce impacts to surface and groundwater. The revised project does not include changes in type, use, or location that alter the previous analysis, and no new impact or more severe impact than that identified in the Draft EIR would result from the construction or operation of the revised project; therefore, similar to the proposed project, potential impacts related to water quality, waste discharge requirement, and/or the degradation of surface or groundwater quality would be less than significant with mitigation.

Similar to the proposed project, the revised project could require a substantial amount of excavation dewatering for construction of proposed underground parking structures in the southeast and eastern portions of the project site. These areas of the project site, however, are not located within a designated groundwater basin, and the dewatering during construction would be temporary and

⁶ Marin Water. 2024. Recycled Water Webpage. Website: <https://www.marinwater.org/recycledwater> (accessed August 2024).

localized; therefore, dewatering in these areas would not result in depletion of a significant groundwater supply resource or related impacts.

Compared to the existing condition, the amount of pervious area provided under the proposed project would be increased by 0.8 acre (see Draft EIR, pg. 4.7-22). Under the revised project, the large residential building on Residential Parcel 1 would be replaced by townhomes covering the same footprint. To accommodate the units, a sixth floor would be added to the Residential Parcel 5 building with no change to the building footprint. A negligible increase in the commercial area footprint and resulting impermeable surface area would occur but would be offset by the larger increase in the overall Northgate Town Square's permeable surface footprint and change from synthetic to natural turf, which would increase opportunities for groundwater infiltration. Given these minimal changes under the revised project, the overall volume and pattern of infiltration on the project site would not substantially change from what was evaluated in the Draft EIR, and no new or more severe impacts would result. Further, final runoff calculations and drainage system designs will be developed during the final design stage and documented in the Final Grading Plan and Drainage Plan as well as the Stormwater Control Plan as required by the Municipal Code.

The number of residences provided on site is not altered under the revised project, and the proposed commercial space is only nominally increased; therefore, no substantial change in water demand is anticipated with the revised project. Amenities such as the new rooftop pool over the Residential Parcel 5 building would only nominally increase water usage. In addition, recycled water would be used for outdoor landscaping, and the increase in the size of the Northgate Town Square and change from synthetic to natural turf would not increase potable water demand and therefore would only nominally increase recycled water use. Although no groundwater was pumped in 2020 to make up Sonoma Water's supplies, and Marin Water neither pumps groundwater nor plans to use groundwater as a supply source in the future, groundwater is supplied by Sonoma Water during drought conditions (Draft EIR, pg. 4.7-24). In order to ensure that the proposed project would not interfere with sustainable management of groundwater recharge in the Santa Rosa Plain Subbasin, the Draft EIR identifies Mitigation Measure HYD-2 (Water Supply Coordination) as requiring a project-specific Water Supply Assessment (WSA) be provided to Sonoma Water so that the project is appropriately included in future water management plan projections. This measure is equally effective and applicable to the revised project; therefore, no new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, impacts on groundwater supplies and groundwater sustainability resulting from development of the revised project would be less than significant with mitigation.

Construction activities occurring under the revised project would generally involve a similar amount of excavation and grading, which would temporarily expose soil to potential erosion and increase the risk of siltation in storm drainage systems and receiving waters. As previously stated, compliance with the Construction General Permit, the City's Small MS4 Permit, and the SCP would be similarly required under the revised project, thereby ensuring that potential impacts related to erosion of exposed soil or sedimentation would be less than significant. No new or substantially more severe significant impact would result from development of the revised project.

The project would alter the surface water drainage patterns on the project site by altering impervious/pervious surfaces and installing new stormwater treatment and drainage facilities. It is

not clear whether the proposed on-site stormwater infrastructure could accommodate the peak flow rate from a 100-year storm event (see Draft EIR, pg. 4.7-25). The drainage channel on the east side of US-101 that receives runoff from the project site could be affected by sea level rise that could affect future drainage conditions at the project site and surrounding areas. If 100-year storm runoff would exceed the capacity of proposed on-site stormwater infrastructure, flooding potentially could occur on the project site or runoff from the project site could contribute to flooding of surrounding roadways, which could impede evacuation along key roads. Due to the substantially similar nature of type, extent, and configuration of uses, a similar condition would occur under the revised project. Mitigation Measure HYD-3 (Hydraulic Modeling) requires modeling and evaluation of whether runoff from the site and surrounding properties would result in on-site flooding and, if so, to identify and incorporate additional stormwater retention systems into the project design to ensure that flows on the site would not result in on-site or contribute to off-site flooding. This mitigation is equally applicable and appropriate to development of the site under the revised project. Similar to the proposed project, the implementation of Mitigation Measure HYD-3 would reduce impacts to a less than significant level with mitigation; therefore, no new or substantially more severe significant impact would result from development of the revised project.

Because the project site is not located within a flood hazard zone or a tsunami hazard area (seiches are not considered a hazard in San Francisco Bay) and because there are no other water bodies located near the project site that could generate a seiche, regardless if the proposed project or revised project were developed, the potential impacts related to the release of pollutants as a result of flooding, tsunami, or seiche would remain less than significant.

2.3.8 Hazards and Hazardous Materials

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that could be classified as hazardous waste. Operation of the project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies). In addition, equipment installed or replaced at the project site (e.g., hydraulic elevator systems) may involve the storage of hydraulic fluid, fuels, and other hazardous materials (Draft EIR, pgs. 4.8-17 and 4.8-18). Due to the similar nature of type, location, and function of the uses under the revised project, impacts associated with the use of hazardous materials during construction and operation of the on-site uses would be similar. Adherence to standard local, State, and federal regulations governing the routine use, transport, or disposal of hazardous materials is equally applicable and appropriate for development of the site under the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant.

The City's General Plan includes Programs S-5.4A (Use of Environmental Databases in Development Review), S-5.4B (Hazardous Soils Clean-Up), S-5.4C (Environmental Site Management Plan [ESMP]), and S-5.4D (Soil Vapor Intrusion Assessment), which require working with appropriate agencies to require remediation and cleanup prior to development of sites where hazardous materials have impacted soil or groundwaters. As discussed in Section 4.8 of the Draft EIR and Section 2.3.7 above, Mitigation Measure HAZ-2 (Soil and Groundwater Management Plan) requires the project sponsor to engage with the appropriate regulatory agency to provide oversight of additional subsurface

investigation at the project site, and preparation and implementation of an SGMP. The SGMP would include guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements. This measure is equally applicable and appropriate for development of the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant with mitigation.

Similar to the proposed project the revised project includes the demolition and renovation of structures and features that may require the removal of hazardous materials, (e.g., asbestos, lead-based paint, heavy metals, polychlorinated biphenyls [PCBs]) (Draft EIR, pgs. 4.8-19 and 4.8-20). Mitigation Measure HAZ-1 (Hazardous Building Materials Survey) requires an evaluation of the structures to be demolished to document the absence/presence of PCBs and other hazardous building materials and to provide abatement specifications (as required), with any abatement conducted per applicable laws and regulations prior to demolition or renovation of existing structures on site. This measure is equally applicable and appropriate for development of the site under the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant with mitigation.

The revised project envisions the demolition, construction, and operation/occupation of uses substantially similar to that addressed in the Draft EIR. The revised project does not alter the site location, nor does it include a new or different use that would have a substantially greater effect at nearby schools. Compliance with existing local, State, and federal regulations governing the transport, use, storage, and/or disposal of hazardous materials, as well as implementation of Mitigation Measures HAZ-1 and HAZ-2 would, similar to the proposed project, ensure that impacts associated with the revised project would remain less than significant. No new or substantially more severe significant impact would occur.

While underground storage tanks (USTs) and some petroleum hydrocarbon contamination have been recorded near the former Sears Auto Center, the project site has not been designated as a leaking underground storage tank (LUST) site by the SWRCB. The extent and manner of ground disturbance required for redevelopment of the project site under the revised project would be similar to that already evaluated in the Draft EIR. Should the site be designated as an LUST and/or be listed pursuant to Government Code Section 65962.5, similar to the proposed project, implementation of Mitigation Measure HAZ-2 would be equally applicable and effective during development of the revised project. This measure requires that the investigation and remediation of the project site would be performed under regulatory agency oversight, which would ensure that potential impacts related to subsurface contamination would be less than significant.

The revised project shifts 58 units from Residential Parcel 1 to Residential Parcel 5. To accommodate the addition of units, the Residential Parcel 5 building would be increased to six stories, with a parapet height of 68 feet. This revision does not exceed the maximum height for other residential structures on site. No change in the location or extent of the project site would occur under the revised project. The nearest airport to the project site is the San Rafael Airport, a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gnos Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for

the Marin County Airport at Gnoson Field and is not located within 2 miles of a public airport or public use airport. Therefore, similar to the proposed project, the revised project, including the increased building height of the Residential Parcel 5 building, would not have an adverse effect on aviation safety or flight patterns.

The City's General Plan contains many policies and programs related to local planning and development decisions to ensure compliance with existing emergency response and evacuation plans, and the projected population for the proposed project was accounted for in General Plan buildout assumptions. Because the revised project does not increase the number of residential uses or significantly increase overall commercial square footage on site, any demand for emergency response resources and service would be similar to that required of the proposed project. Because development would remain within the limits of the site identified in the Draft EIR and because no intensification of uses would occur, similar to the proposed project, the revised project would not impair or interfere with implementation of the established emergency response-related plans discussed above. Implementation of the City's General Plan policies and programs would ensure that the City maintains an effective emergency response program that accounts for development of the project. Appropriate and adequate emergency access would continue to be provided to and through the project site. Additionally, due to the similar scale and type of uses, like the proposed project, the revised project could result in an overall reduction in traffic on the surrounding roadway network over the course of the day and during the critical p.m. hour. Because construction activities would be temporary in nature under either the proposed or revised project, any road closures would require the preparation of a traffic control plan and the approval of appropriate permits from the City. The implementation of traffic control and access provisions and permit requirements would ensure that adequate and appropriate emergency response and evacuation access is maintained. No new or substantially more severe significant impact than that identified in the Draft EIR would occur during construction and operation of the revised project; therefore, like the proposed project, impacts would be less than significant.

2.3.9 Transportation

Due to the removal of a substantial amount of square footage from the existing commercial center, the trip generation calculated at buildout (Phases 1 and 2) identified an overall reduction of 8,384 daily trips and 886 PM peak-hour trips from the existing condition. Compared to the existing condition, AM peak-hour trips would be increased by 177 trips under full buildout of the project. See Draft EIR, Table 4.9.D for both phases of the proposed project. The overall number of units is unchanged, and the increase in overall commercial square footage is minimal and below what was analyzed in the technical analyses that support the Draft EIR analysis; thus, similar to the proposed project, a traffic signal is not warranted at any of the study intersections, and the proposed project would result in a less than significant impact related to the need for intersection improvements. Under the proposed project, vehicle queues at intersections in the project vicinity would either be contained within the existing turn-lane capacities, or the queue increase in a turn lane with an existing deficient stacking distance would be less than the established threshold of 50 feet (refer to Draft EIR pg. 4.9-19 and the Traffic Impact Study [TIS]); therefore, the proposed project would not create an excessive vehicle queue spillback that could periodically block or interfere with pedestrian, bicycle, or transit facilities, and impacts would be less than significant. Due to the overall similarity

of the revised project to the project assessed in the Draft EIR, impacts related to signalization and vehicle queuing would be similar and less than significant.

The revised project includes transit, bicycle, and pedestrian amenities that are generally similar to those provided under the proposed project. Existing transit routes are adequate to accommodate project-generated trips, and existing transit stops are within an acceptable walking distance of the site. Because the overall location, type, and amount of uses to be developed will not substantially change, the revised project would not result in changes in the demand for transit, bicycle, and pedestrian facilities. Neither the proposed nor revised project would interfere with the existing, or preclude the construction of, planned transit, pedestrian, or bicycle facilities. Because the proposed project is consistent with the plans, ordinances, and policies that address the circulation system (see Draft EIR, Table 4.9.E) and because the revised project retains the same number of units and includes only a minimal increase in commercial uses, no new or substantially more severe significant impact would occur; therefore, like the proposed project, impacts related to program/policy consistency similarly are less than significant.

For analysis of the residential uses, the vehicle miles traveled (VMT) associated with all home-based trips made by residents are assessed. The associated average residential VMT per capita is calculated by summing the total vehicle mileage and dividing it by the projected number of residents. Because the number of units and resultant population under the revised project is unchanged, the residential VMT per capita at buildout would be similar (10.7) and, similar to the proposed project, would not exceed the VMT per capita threshold of 11.3; therefore, no new or substantially more severe significant impact would result from implementation of the revised project, and impacts would remain less than significant. In the year 2040 with buildout of Phase 2, the total retail VMT is projected to be approximately 81,100 miles less per day than “no build” conditions (see Draft EIR, Table 4.9.G). The minor addition (1,860 square feet) of commercial uses under the revised project would not substantially increase project VMT to a point where it exceeds the “no build” condition; therefore, no new or substantially more severe significant impact related to commercial VMT would occur. In addition, the Draft EIR’s technical analysis assumed a larger commercial square footage and the revised project is still below this number. Similar to the proposed project, commercial VMT impacts would be less than significant.

With implementation of the proposed project, the driveways 230 feet and 140 feet north of Los Ranchitos Road-Las Gallinas Avenue/Northgate Drive would be removed, and the driveway 100 feet west of Northgate Drive/El Faisan Drive would be moved to Northgate Drive/El Faisan Drive, thereby converting the existing tee intersection into a four-legged intersection. The other driveways would remain unchanged. These changes would be equally implemented under the revised project. Sight and stopping distances from each driveway are adequate for the posted/recorded speed except for the driveway 280 feet north of Northgate Drive/Thorndale Drive. Due to the dense vegetation south of this driveway combined with vertical grade on the driveway ascending up to the roadway, the sight distance at this intersection would be inadequate under either the proposed or revised project; therefore, the potentially hazardous design is a potential significant impact. Mitigation Measure TRA-1 requires submittal of plans that show the removal of vegetation to a point where appropriate line of sight is maintained. This measure is equally applicable to the revised project and,

like the proposed project, would ensure that impacts are reduced to a less than significant level. No new or substantially more severe significant impact would occur.

The City of San Rafael Municipal Code Chapter 4.08 adopts the 2019 California Fire Code with several amendments regarding emergency access. With regard to traffic, a fire access road of at least 20 feet in unobstructed width must be provided within 150 feet of all exterior building walls. Both phases of the proposed project would include a network of interior roads and parking aisles at least 20 feet wide that provide access within 150 feet of all building exteriors when combined with the public streets of Las Gallinas Avenue and Northgate Drive around the outside of the project site. There would be multiple interior paths through the project that connect the multiple driveways, providing alternative routes in the event one aisle or driveway is blocked. This requirement and post-development condition would be equally applied to the revised project; therefore, no new or substantially more severe significant impact would occur under the revised project. Furthermore, as the number of units developed and the overall amount of commercial space provided remain generally the same as the proposed project, which itself reduced daily and PM peak-hour traffic (compared to the existing condition), similar to the proposed project, emergency access and emergency response impacts would be less than significant.

2.3.10 Air Quality

The revised project would not alter the conclusions of the Draft EIR related to Air Quality (see Draft EIR, Section 4.10). Due to the generally similar condition of the revised project (e.g., same number of units, limited expansion of commercial space, same manner of construction) and because the location, extent, duration, and manner of demolition and construction would be generally similar to the proposed project, emissions generated during demolition, ground disturbance, and construction activities associated with the revised project would be similar to that previously assessed in the Draft EIR. As established in the Draft EIR (pg. 4.10-28), during construction of the proposed project, short-term degradation of air quality may occur due to the release of particulate matter emissions (e.g., fugitive dust) generated by demolition, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include carbon monoxide (CO), nitrous oxides (NO_x), reactive organic gases (ROGs), directly emitted particulate matter (PM_{2.5} [particulate matter less than 2.5 microns in size] and PM₁₀ [particulate matter less than 10 microns in size]), and toxic air contaminants (TACs) such as diesel particulate matter (DPM). These emissions would be reduced to a less than significant level after the implementation of standard mitigation required by the Bay Area Air Quality Management District (BAAQMD) (Mitigation Measures AIR-2a and AIR-2b, and AIR-3a and AIR-3b).⁷ These measures would be equally applicable and effective during construction of the revised project; therefore, like the project assessed in the Draft EIR, construction air quality impacts resulting from development of the revised project would be less than significant upon implementation of these same measures.

Long-term air pollutant emission impacts that would result from the proposed project are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment). As detailed

⁷ Note that Mitigation Measures AIR-3a and AIR-4 are modified as identified in Chapter 5.0 of this RTC Document.

in the Draft EIR (see Tables 4.10.G and 4.10.H), operational emissions from the project would not exceed the BAAQMD significance criteria for ROGs, NO_x, PM₁₀, or PM_{2.5} emissions; therefore, operational impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable national or State air quality standard would be less than significant. Because the revised project retains the same number of units and only slightly increases overall commercial space, the emissions projected in the Draft EIR are representative of emissions that would result from development of the revised project; therefore, no new or substantially more severe significant impact would occur and, similar to the proposed project, would be less than significant.

The Draft EIR analysis assumed that the cancer risk associated with project construction for the maximally exposed individual (MEI) off site would be 11.58 in 1 million for off-site receptors, which would exceed BAAQMD thresholds of 10.0 in 1 million. Since publication of the Draft EIR, the construction Health Risk Assessment for the proposed project was modified to include updated meteorological data and study the revised project details.⁸ The revised analysis identified that the risk associated with construction of the revised project for the off-site MEI would be higher than originally calculated (18.6 in 1 million for off-site receptors), which would also exceed BAAQMD thresholds. This increase is primarily attributed to the use of updated meteorological data and not to the revised project details. Similar to the proposed project, implementation of Mitigation Measure AIR-4 (as modified to identify implementation of modified Mitigation Measure AIR-3a) would be required to reduce substantial pollutant concentrations during project construction. The Draft EIR assumed that the MEI for future on-site residents (7.09 in a million) would be below the BAAQMD cancer risk threshold; however, the revised analysis for the revised project identified that the MEI for future on-site residents would be 11.08 in 1 million, which would exceed the threshold of 10.0 in 1 million. Again, this increase is primarily attributed to the use of the new meteorological data. Therefore, Mitigation Measure AIR-4, as modified, also applies to this impact. While the revised project and supplemental analysis identify that impacts to the on-site MEI would occur, which was not identified for the proposed project evaluated in the Draft EIR, no change to the overall impact conclusions would occur, and this impact would remain less than significant with mitigation. Specifically, with mitigation the cancer risk would be reduced to 5.10 per million for the off-site MEI and 4.06 for the on-site MEI, well below the 10.0 in 1 million threshold. Refer to Response B-8B-42 in Chapter 4.0 of this RTC Document for additional explanation and for the mitigated health risk comparison.

Further, the total chronic and acute Hazard Indices and the total PM_{2.5} concentration would not exceed the BAAQMD significance thresholds for either off-site or on-site receptors (see Draft EIR, Table 4.10.I, pgs. 4.10-37 and 4.10-38) with both the proposed project and the revised project. The location, extent, manner, and duration of construction under the revised project would be substantially similar to that assessed in the Draft EIR, and the location of off-site and on-site receptors would remain the same; therefore, similar health risk impacts would occur during construction of the revised project. Impacts to off-site and on-site sensitive receptors would be substantially similar. Mitigation Measure AIR-4 would be equally applicable during development of the revised project and would be equally effective at reducing the MEI health risk to off-site

⁸ Dudek. 2024. *Northgate Mall Redevelopment Project – Supplemental Air Quality Analysis Technical Memorandum*. August 13.

receptors (see Draft EIR Table 4.10.J as modified in Chapter 5.0 and Response B-8B-42 in Chapter 4.0); therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant with mitigation.

Odors produced during construction would be attributable to architectural coatings, asphalt pavement application, and concentrations of unburned hydrocarbons from tailpipes of construction equipment. Such odors would disperse rapidly from the proposed project site and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be less than significant. As a mixed-use redevelopment, the revised project includes commercial and residential land uses that would not be expected to generate objectionable odors. Furthermore, facilities that are common sources of odors are not located in the vicinity of the proposed project; therefore, future sensitive receptors associated with the operations of the proposed project would not be exposed to significant odors from existing sources. Due its similar nature to the project assessed in the Draft EIR, no new or substantially more severe odor impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant.

2.3.11 Greenhouse Gas Emissions

The proposed project would generate construction- and operations-related GHG emissions and contribute to global climate change through the phased redevelopment of the project site. Implementation of mitigation measures included in Section 4.10, Air Quality of the Draft EIR would also serve to reduce GHG emissions to the extent feasible. While the proposed project includes all-electric residential and non-restaurant commercial buildings, energy efficiency/conservation measures (e.g., energy efficient windows, additional insulation, external and internal shade structures, light-emitting diode [LED] lighting, daylighting and occupancy controls, efficient space heating and cooling systems, and on-site renewable energy and energy storage), provides electric vehicle (EV) charging space in excess of California Green Building Standards Code (CALGreen Code) requirements, and reduces overall VMT per capita, natural gas connections to commercial kitchens and outdoor recreational uses (e.g., firepits) would not comply with all BAAQMD design recommendations adopted to reduce GHG emissions (refer to Draft EIR, pgs. 4.11-22 through 4.11-24). Mitigation Measure GHG-1 would prohibit natural gas-fired recreational fire pits. This measure would be equally applicable to the revised project, and is incorporated into the revised project design. The revised project does not include recreational fire pits, fueled by natural gas or any other source. The City has previously determined that prohibitions against natural gas commercial kitchen use are infeasible due to cost-effectiveness considerations (Draft EIR, pgs. 4.11-24 and 4.11-25). Although the proposed project would achieve all other project design elements necessary to meet BAAQMD GHG Threshold "A", the proposed project's inclusion of natural gas for commercial kitchens would constitute a significant and unavoidable impact under that threshold. Compared to the project assessed in the Draft EIR, because of its similarity to the proposed project, no new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, even with implementation of Mitigation Measure GHG-1, a significant and unavoidable impact related to lack of consistency with all of the design criteria outlined in BAAQMD GHG Threshold A would occur.

The proposed project would be consistent with the City's Climate Change Action Plan (CCAP) 2030 and with Plan Bay Area 2050. However, because the proposed project would allow natural gas plumbing and natural gas use in commercial kitchens, the proposed project would potentially conflict with the 2022 Scoping Plan and long-term State goals for GHG emission reductions and carbon neutrality in 2045. Due to the similar nature and extent of the uses to be developed under the revised project, a similar potential conflict would occur. Draft EIR Table 4.11.E identifies that the proposed project would comply with all applicable required elements of the City's CCAP 2030 and would further implement most of the recommended elements from the CCAP where feasible. The proposed project therefore can be considered generally consistent with the goals and measures included in CCAP 2030. The project also consists of infill development, includes many sustainable design features, would comply with the City's CCAP 2030, and would support the VMT reduction goals included in the California Air Resources Board (CARB) Mobile Source Strategy and Plan Bay Area 2050. Mitigation to prohibit the use of natural gas in commercial kitchens was found by the City to be infeasible to implement; therefore, the proposed project would potentially conflict with the 2022 Scoping Plan and related State legislation, and a significant and unavoidable impact relative to conflict with applicable plans, policies, and programs for GHG reduction would occur. While no new or substantially more severe significant impact would occur, due to its similarity with the proposed project, the revised project would result in a similar significant and unavoidable impact.

2.3.12 Noise

At certain sensitive noise receptors, demolition and construction operations attributed to the proposed project would cause an increase in the outdoor ambient sound level more than 10 decibels (dB) higher than the existing estimated hourly equivalent continuous sound level (L_{eq}) and thereby result in a significant impact (see Draft EIR, Table 4.12.H). The revised project would result in a similar level of demolition and construction noise perceptible at nearby sensitive receptors (off site during Phase 1, and on site and off site during Phase 2). Mitigation Measure NOI-1 would require installation of temporary construction barriers (10 feet in Phase 1, 11 feet in Phase 2). This measure, equally applicable and effective for the revised project, would ensure that short-term construction period impacts associated with temporary increases in ambient noise levels during Phase 1 would be reduced to below established thresholds; therefore, no new or substantially more severe significant impact would result from development of the revised project and, like the proposed project, impacts would be less than significant with mitigation. In addition to Mitigation Measure NOI-1, noise reduction BMPs consistent with the City's General Plan Noise Element would be implemented during any on-site development. Implementation of these standard BMPs would further reduce noise impacts at sensitive receptors during demolition and construction operations.

With the contribution of traffic from the proposed project, changes to the traffic noise levels (expressed as a day-night average noise level [L_{dn}] value) at noise-sensitive receivers along the studied roadway segments would be less than 3 A-weighted decibels (dBA), thus being consistent with the thresholds established by the General Plan and representing a less than significant impact. Due to the similarity in location, type, and general intensity of uses, compared to the project assessed in the Draft EIR, no substantial increase or change in vehicle traffic would result from development of the revised project; therefore, no new or substantially more severe significant

impact would result from development of the revised project. Similar to the proposed project, traffic-related noise impacts would be less than significant.

The expected sources of noise from within the project during project operation/occupation would include a variety of sources, including modest amplified music from outdoor dining or other commercial areas, speech from pedestrians or patrons of an outdoor dining area, audible safety or security alarms, occasional vehicle door closures and associated low-speed vehicle movements or idling engines in parking areas, electro-mechanical equipment (e.g., rooftop HVAC systems), and activity at the proposed Northgate Town Square area and its partially covered outdoor stage, which would be configured to host occasional live events with sound reinforcement. The analysis provided in the Draft EIR (pgs. 4.12-23 through 4.12-26) indicates that during Phase 1, these noise activities would not result in a temporary increase in operational noise that exceeds the City's established thresholds, and this impact would be less than significant. Phase 2 of the project would introduce residential noise-sensitive receptors onto the project site; therefore, on-site noise could adversely affect the nighttime noise environment for these sensitive receptors (Draft EIR, pgs. 4.12-24 through 4.12-31). Mitigation Measure NOI-2 would be incorporated into the proposed project design to reduce operational noise effects to on-site sensitive receptors to the extent feasible. The revised project envisions a mixed-use development of the same location, use, and intensity; therefore, during Phase 2, the operational noise impacts would be similar and significant. Mitigation Measure NOI-2 would be equally applicable to development of the site under the revised project. Though no new or substantially more severe significant impact would occur under the revised project, because it is not possible to confirm whether noise levels would be absolutely below the City's established thresholds, this impact would be equally deemed significant and unavoidable.

All predicted vibration levels during both Phase 1 and Phase 2 are lower than the occupant annoyance threshold of 72 vibration velocity decibels (VdB) and lower than the building damage risk threshold of 0.2 inch per second of peak particle velocity (in/sec PPV). Because the development under the revised project envisions similar demolition, construction, and operational characteristics, vibration-related impacts would also be similar. No new or substantially more severe significant impact would occur under the revised project. Similar to the proposed project, vibration impacts would be less than significant.

The nearest airport to the project site is the San Rafael Airport, a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gnoss Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for the Marin County Airport at Gnoss Field and is not located within 2 miles of a public airport or public use airport. Aviation noise exposure from the San Rafael Airport would be below the State threshold of 65 dB Community Noise Equivalent Level (CNEL) and is expected to remain below this level in the future; therefore, whether as proposed or revised, development on the site would not expose people residing or working at the project to excessive aircraft noise and no impact would occur.

2.3.13 Public Services and Recreation

As discussed in Section 4.2 of the Draft EIR, the proposed project would be consistent with the development assumed for the project site in the General Plan, the General Plan EIR, and Housing

Element. Because the revised project does not increase the number of residential units or resident population and only slightly increases (0.8 percent) the overall commercial square footage compared to the proposed project, the revised project also is consistent with the forecasted population growth planned for in the San Rafael General Plan 2040, and ABAG and Metropolitan Transportation Commission (MTC Projections 2040), and would not result in substantial unplanned population growth.

2.3.13.1 Fire, Police, and School Services

Regarding fire and police protection, the revised project would not change the proposed project's residential population and would increase commercial square footage by only 0.8 percent. Therefore, the revised project, like the proposed project, would not result in a need for new or expanded fire or police protection facilities. No new or substantially more severe significant impact would occur, and the impact would remain less than significant.

Regarding schools, the revised project retains the same number of residential units and any increases in local student populations would equal those previously identified in the Draft EIR given that student generation rates are calculated based on the number of units (and not unit type or size) (see Draft EIR, pgs. 4.13-14 and 4.13-15). New development on the project site would be subject to fees prescribed under the Mitigation Fee Act. The payment of such fees is deemed to fully mitigate the impacts of new development on school facilities, per California Government Code Section 65995. Accordingly, no new or substantially more severe significant impact would occur and, similar to the proposed project, impacts related to the provision of school services and facilities would be less than significant.

Regarding parks, both the proposed and revised projects would increase the City's population by up to 3,541 persons,⁹ which would decrease the citywide total parkland-to-resident ratio from 4.28 to 4.09 acres of improved parkland per 1,000 residents.¹⁰ This ratio would remain within the citywide standard of 4.0 acres of improved park and recreation land per 1,000 residents. Therefore, additional parkland would not be required to accommodate the new development and maintain the City's desired parkland-to-resident ratio, and the provision of new or physically altered governmental facilities (the construction of which could cause significant environmental impacts) in order to maintain acceptable performance objectives would not be required. No new or substantially more severe significant impact would occur and, similar to the proposed project, impacts related to the provision of park services and facilities would be less than significant.

2.3.13.2 Other Public Services

Development of either the proposed or revised project would increase demand for other public services, including libraries, community centers, and public healthcare facilities. Both the proposed and revised project would also include approximately 5,000 square feet of library space to replace

⁹ 1,422 residential units x 2.49 persons per household (average household size as detailed in Section 4.2, Population and Housing) = 3,541 persons.

¹⁰ 73,300 residents + 3,541 = 76,841;
314 acres of parkland ÷ 76,841 = 0.00408636 * 1,000 = 4.09 acres per 1,000 residents in the Sphere of Influence.

the existing 3,000-square-foot library within the Northgate Mall, and the environmental effects related to the construction and operation of the library space have been addressed throughout the Draft EIR.

2.3.13.3 Parks and Recreation

Both the proposed and revised project would increase San Rafael's population by up to 3,541 persons, which could increase the use of parks within the vicinity of the project site, including Oliver Hartzell Park, Los Ranchitos Park, Terra Linda Garden, and Lagoon Park; however, as discussed above, with implementation of the proposed project, a ratio of 4.09 acres of parkland per 1,000 residents (which exceeds the City's 4.0 acres/1,000 residents standard) would be maintained.

On-site open space would include: (a) courtyards and roof decks for each of the residential buildings; (b) outdoor amenity spaces that would be open to the public and consist of a bike hub/fix-it station, a shipping container café with associated outdoor dining tables, lounge seating, and a flexible turf area; and (c) a Northgate Town Square that would be open to the public. The revised project increases the size of the Northgate Town Square from 48,075 to 56,975 square feet. Design changes to the Northgate Town Square include the replacement of the synthetic turf with natural turf, reduction of boulders to provide more usable open space, the addition of shade trees around the perimeter of the Northgate Town Square, and the provision of additional seating at the pavilion. The large space at the northeast corner of the Northgate Town Square would be used for a larger playground, while the dog park has been moved to a smaller portion at the northwest corner of the Northgate Town Square. Additionally, the bike rest stop along the corner of Northgate Drive and Las Gallinas Avenue has been adjusted with additional amenities (a water fountain, benches, a dog waste dispenser, and bike racks). The proposed and revised on-site recreation and open space facilities are intended to primarily serve new residents but would also be open to the public, and the availability of recreational and open space uses on site would likely lessen current usage of existing parks in the vicinity of the project site because the public project amenities would be available to existing residents in the project vicinity.

Because the revised project increases on-site recreational amenities, no new or substantially more severe significant impact related to park usage would occur and, similar to the proposed project, impacts would be less than significant.

2.3.14 Utility and Service Systems

The revised project would be developed in the same location, with the same utility infrastructure requirements as that addressed in the Draft EIR (pgs. 4.14-16 through 4.14-23). As with the proposed project, the revised project would generate wastewater flows in excess of the capacity of adjacent sewer lines; therefore, Mitigation Measure UTL-1 requires the upgrade of the Terra Linda Trunk sewer to 15 inches in diameter. Because this measure would be equally applicable to the revised project, with implementation of Mitigation Measure UTL-1, like the proposed project, impacts related to sewer line capacity would be less than significant with mitigation. Because of the similar nature of the revised project, impacts related to water, stormwater, electricity, natural gas, and telecommunication systems would be the same, and no new or substantially more severe significant impact to these systems would occur. Therefore, similar to the proposed project, impacts to these systems would be less than significant.

The number of residences provided on site is not altered under the revised project, and the proposed commercial space is only nominally increased; therefore, no substantial change in water demand is anticipated with the revised project. Amenities such as the new rooftop pool over the Residential Parcel 5 building would also only nominally increase water usage. Neither the proposed project nor the revised project would lead to insufficient water supplies under the City's existing water rights entitlements and resources or require new or expanded entitlements. As demonstrated in the WSA, Marin Water has adequate supply to serve the proposed project, and this conclusion does not change with the project refinements. No new water entitlements would be required to serve the proposed project. In addition, recycled water would be used for outdoor landscaping, and the increase in the size of the Northgate Town Square and change from synthetic to natural turf would not increase potable water demand and would only nominally increase recycled water use. No new or substantially more severe significant impact to potable or recycled water supplies would result from development of the revised project; therefore, similar to the proposed project, impacts would be less than significant.

The wastewater pump stations that serve the project site would have adequate capacity to serve the proposed project and similarly the revised project. In addition, with implementation of Mitigation Measure UTL-1, the wastewater pipes that serve the project site would also have adequate capacity. Due to the similar nature of the revised project to the proposed project, a similar volume of wastewater flow is anticipated. The receiving wastewater treatment plant has sufficient surplus capacity to accommodate the proposed project (Draft EIR, pg. 4.14-20); therefore, there is also sufficient surplus capacity to accommodate flows from the revised project. No new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, impacts related to wastewater treatment capacity would be less than significant.

The revised project would retain the same number of dwellings and the same resident population (3,541 person) and would only slightly increase the number of employees (six additional employees) on site compared to the proposed project; therefore, based on disposal rates cited in the Draft EIR (pg. 4.14-21), an additional 71 pounds of solid waste (based on six additional employees)¹¹ would be generated daily on site. Such a minor increase would not affect the project's overall contribution to the daily permitted throughput at either the Redwood or Potrero Hills Landfills (approximately 0.6 and 0.3 percent of the total daily permitted throughput, respectively). The amount of solid waste generated by operation of the proposed project would not exceed the landfills' capacity. Therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts related to landfill capacity would be less than significant.

Zero Waste Marin, which serves the project site, collects solid waste at per capita disposal rates of 5.2 pounds per day (lbs/day) per resident and 11.8 lbs/day per employee, which are well below the California Department of Resources Recycling and Recovery (CalRecycle) targets of 7.6 lbs/day per resident and 17.3 lbs/day per employee. Any development on the site would be required to comply with the CALGreen Code, which requires that at least 65 percent of non-hazardous construction and demolition waste from non-residential construction operations be recycled and/or salvaged for

¹¹ Based on a calculation of 17.3 lbs/day per employee.

reuse. Because the revised project would be required to recycle demolition waste and provide recycling and composting for future commercial and multi-family residential uses, the revised project would comply with the applicable solid waste regulations, and no new or substantially more severe significant impact would occur. Similar to the proposed project, impacts would be less than significant.

2.3.15 Energy

As stated in Section 4.15 of the Draft EIR, the proposed project would not utilize fuel in a wasteful or inefficient manner and would comply with and exceed existing energy standards and regulations; therefore, energy-related impacts would be less than significant. The revised project provides the same number of residential units and only slightly increases commercial space; therefore, the type and quantity of fuels consumed under the revised project would be similar. The revised project would eliminate the fire rings that were included in the proposed project and therefore would slightly reduce overall energy use compared to the proposed project. The same energy fuel efficiency, energy generation, energy conservation, and electrification requirements stated in the Draft EIR for the proposed project would be equally applicable to development under the revised project. Solar panels would be installed on top of all residential buildings and existing parking structures, while the retail buildings would be solar ready. Battery storage would be provided in the apartment-style residential buildings. As solar power technology improves in the future and regulations require additional solar, it is reasonable to assume that additional solar power may be provided to the proposed project site. Project-specific sustainable design features would include EV charging infrastructure, on-site bicycle storage, preferential parking for low-emission/fuel-efficient vehicles and carpools/vanpools, and pedestrian-friendly design, all of which would encourage the reduction of petroleum usage. The revised project would implement the same energy efficiency and energy conservation features as the proposed project; therefore, like the proposed project, impacts would be less than significant.

The residential and non-restaurant retail development would be 100 percent electric, supporting the City's goals, including the City's CCAP 2030 (with the exception of natural gas usage in commercial kitchens). Like the proposed project, the revised project would include solar power that is generated on site, EV charging stations, bicycle amenities, and site connectivity. It would also contribute to the City's planned pedestrian and bicycle connection to the Sonoma-Marín Area Rail Transit (SMART) Marin Civic Center station. These features ensure consistency with the City's CCAP 2030. Additionally, the proposed project would meet or exceed CALGreen Code Tier 2 Voluntary Standards for EV charging. As such, like the proposed project, the revised project would meet and exceed the applicable requirements for energy efficiency. No new or substantially more severe significant impact would occur. Similar to the proposed project, impacts would be less than significant.

2.4 PROJECT ALTERNATIVES

The Draft EIR evaluated three alternatives to the proposed project:

- **No Project Alternative:** Under the No Project Alternative, the project site would continue to be occupied by the existing Northgate Mall. The existing mall includes the main mall building, which

is a total of approximately 633,783 square feet in size, and consists of five sections: (1) Mall Shops East, (2) Mall Shops West, (3) Century Theatre, (4) RH Outlet, and (5) Macy's. West of the main building is a Kohl's department store, which also includes a small attached unoccupied retail space, a two-level parking structure containing approximately 476 parking spaces, and a vacant retail building. A Rite Aid, HomeGoods, and an additional vacant retail building are located east of the main building. A total of approximately 2,190 people could be employed on the project site at full occupancy, though this would continue to fluctuate based on market conditions.

- **Reduced Development Alternative:** Under the Reduced Development Alternative, only Phase 1 (also referred to as the 2025 Master Plan) of the proposed project would be implemented. Phase 1 would consist of the demolition of the two vacant retail buildings (Sears Auto Center and Sears Seasonal) totaling 28,500 square feet on the southern portion of the project site. Phase 1 of the proposed project also would include demolition of the RH Outlet building, the HomeGoods building, and Mall Shops East, which is approximately 144,432 square feet of the main building. A total of 44,380 square feet of new commercial space would also be constructed, resulting in a total of 501,941 square feet of commercial space. Phase 1 would include the construction of a total of 922 residential units within three apartment-style residential buildings (containing 822 units) and 15 townhome buildings (containing 100 units), all located on a fourth parcel, resulting in a residential population of 2,295. At least 10.4 percent of the 922 dwelling units constructed would be below market rate units set aside for low-income households (minimum of 96 dwelling units). It is estimated that Phase 1 would result in a reduction in employees from approximately 2,190 to 1,434.
- **Reduced Residential Alternative:** Under the Reduced Residential Alternative, the total number of residential units would decrease by 63 units compared to the proposed project, for a total of 1,359 units at buildout and a resulting residential population of 3,384. The reduction in the number of units would occur during implementation of Phase 1, with development of 859 residential units. Specifically, Residential 1 would be developed with 33 townhomes units (63 fewer units and a different unit mix than the apartments proposed by the project), Residential 2 would be developed with 100 townhome units, Residential 3 would be developed with 280 apartment units, and Residential 4 would be developed with 446 apartment units. With the exception of the reduction in residential unit count and mix, all other elements of the Phase 1 2025 Master Plan and Phase 2 2040 Vision Plan proposed by the project would occur. At full buildout, the Reduced Residential Alternative would include a total of up to approximately 217,520 square feet of commercial space and up to 1,359 residential units, including 136 below market rate units set aside for low-income households. The below market rate units would be constructed throughout the project site and in compliance with Section 14.16.030 of the San Rafael Municipal Code.

As described above in Section 2.2, the revised project would result in an additional 1,860 square feet of commercial space in Phase 2 (project buildout) and would reduce the number of residential units in Phase 1 by 58 units, but would result in the same number of residential units at project buildout (1,442 total), and increase the total residential square footage by 19,690 square feet. The number of affordable housing units would decrease by 9 units in Phase 1 and increase by 5 units in Phase 2, for

an overall reduction in 4 units compared to the proposed project. Additionally, the size of the Town Square would increase from 48,075 to 56,975 square feet. Overall, the alternatives to the proposed project would remain unchanged and the conclusions would be substantially the same, as further described below. As further described below, because of the similarities between the Reduced Residential Alternative and the revised project, the Draft EIR's conclusion that the Reduced Residential Alternative is the environmentally superior alternative equally applies to the revised project.

2.4.1 No Project Alternative

As described in Section 5.1 of the Draft EIR, under the No Project Alternative, the project site would continue to be occupied by the existing Northgate Mall and no physical changes to the existing site would occur. Similar to the analysis provided in the Draft EIR, when compared to the revised project, the No Project Alternative would avoid all of the construction-related impacts of the project. Full occupancy of the Northgate Mall with commercial uses would result in more vehicle trips compared to operation of the revised project, with resulting air pollutant and greenhouse gas (GHG) emissions. No mitigation measures would be required for the No Project Alternative. The No Project Alternative would not achieve any of the objectives of the project, which are unchanged with the revised project. Given that the proposed project evaluated in the Draft EIR and the revised project are substantially similar, the analysis and conclusions for the No Project Alternative would be substantially the same and remain valid.

2.4.2 Reduced Development Alternative

As described in Section 5.2 of the Draft EIR, under the Reduced Development Alternative the project site would be redeveloped with implementation of Phase 1 of the proposed project only. With the revised project, Phase 1 implementation would consist of the same total square footage of commercial space as the proposed project, or a net total of 501,941 square feet (308,946 square feet of demolition, 457,561 square feet of existing square footage to remain, and 44,380 square feet of new commercial space) and the same number of employees (1,423). Under the revised project, Residential Parcel 1 would be redeveloped with 38 townhomes instead of 96 apartments and Residential Parcels 2, 3, and 4 would be developed with the same unit types and number of units as the proposed project (826), for a total reduction of 58 units compared to the proposed project. Of this total reduction, 9 fewer affordable units would be developed.

As described in the Draft EIR, the Reduced Development Alternative would slightly reduce the less than significant impacts related to air quality, energy, and noise for the proposed project due to the reduced construction and operation intensity, and would avoid the noise impact on Phase 1 residents from Phase 2 construction, but would not eliminate any of the required construction-period mitigation measures. The Reduced Development Alternative would also slightly decrease impacts associated with GHG emissions and heating, ventilation, and air conditioning (HVAC) operational noise on project residents, but would not reduce those impacts to less than significant levels. In addition, the Reduced Development Alternative would meet all of the identified project objectives which are unchanged with the revised project, although to a lesser extent due to the reduction in total number of residential units to be developed. This same conclusion applies with the revised project.

Given that Phase 1 of the proposed project evaluated in the Draft EIR and the revised project are substantially similar with the exception of an overall reduction in the number of residential units, the analysis and conclusions for the Reduced Development Alternative would be substantially the same and remain valid. However, overall construction would be slightly less compared to the proposed project due to reduced development on Residential Parcel 1 and the overall number of residential trips and resulting emissions would be similarly reduced, and therefore development under this alternative would also be slightly less than what was considered in the Draft EIR for the Reduced Development Alternative.

2.4.3 Reduced Residential Alternative

As described in Section 5.3 of the Draft EIR, under the Reduced Residential Alternative the total number of residential units would decrease by 63 units compared to the proposed project. This would occur through the reduction of Residential Parcel 1 units, which would include 33 townhome units instead of 96 apartments. At full buildout, the Reduced Residential Alternative would include a total of up to approximately 217,520 square feet of commercial space (the same as the proposed project) and up to 1,359 residential units, including 136 below market rate units set aside for low-income households. The revised project is substantially similar to the Reduced Residential Alternative described and evaluated in the Draft EIR. Compared to the Reduced Residential Alternative, the revised project would include 5 additional residential units in the Residential Parcel 1 townhomes and 1,860 square feet of additional commercial space.

As described in the Draft EIR, the Reduced Residential alternative would slightly reduce the less than significant impacts related to air quality, GHG emissions, energy, and noise for the project due to the reduced operational intensity and reduction in vehicle trips associated with fewer residential units, but would not eliminate any of the required construction- or operation-period mitigation measures. In addition, the Reduced Residential Alternative would meet all of the identified project objectives which are unchanged with the revised project, although to a lesser extent due to the reduction in total number of residential units to be developed. This same conclusion applies with the revised project.

Given that the revised project and the Reduced Residential Alternative are substantially similar with the exception of a slight increase in the number of residential units and commercial space with the revised project, the analysis and conclusions for the Reduced Residential Alternative would be substantially the same and remain valid. The difference in overall construction would be negligible due to reduced development on Residential Parcel 1 and the increase in commercial square footage. The overall number of residential and commercial trips and resulting emissions would be substantially the same, and therefore development under this alternative would also be similar to what was considered in the Draft EIR for the Reduced Residential Alternative.

2.4.4 Environmentally Superior Alternative

As identified in the Draft EIR, the Reduced Residential Alternative would slightly reduce some of the potentially significant impacts of the proposed project through reduced construction and operational building intensities, including an overall reduction in the number of vehicle trips generated to and from the site, although none of the significant unavoidable project impacts would be avoided, and all project mitigation measures would still be required. The project objectives would

also be largely met, although to a lesser extent than the proposed project, and the Reduced Residential Alternative would provide 63 fewer residential units than the proposed project, slightly reducing its contribution to alleviating the City's household deficit. Due to its slight reductions in some environmental impacts compared to both the proposed project evaluated in the Draft EIR and the revised project, the Reduced Residential Alternative continues to be considered the environmentally superior alternative.

2.5 CONCLUSION

In general, and as detailed above, the revised project does not add significant new information to the EIR and would not substantially change the construction and operational impacts and related mitigation measures identified in the Draft EIR. The revised project would result in a minor increase in the amount of commercial space and retains the same amount of residential development overall. The location, uses, manner of construction, and characteristics of operation of the revised project are substantially similar to those described in Chapter 3.0 of the Draft EIR and as evaluated and (as necessary) mitigated in Chapter 4.0 of this RTC Document. The project refinements do not affect the impact conclusions presented in the Draft EIR.

The revised project would result in minor changes to the project analyzed in the Draft EIR and would not result in new or more significant environmental impacts that were not identified in the Draft EIR. Per *State CEQA Guidelines* Section 15088.5, recirculation of a Draft EIR prior to certification is required only when "significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification." "Significant new information" is defined as:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
1. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
2. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
3. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revised project does not trigger any of these conditions because no significant new information as defined in *State CEQA Guidelines* Section 15088.5, including new impacts, mitigation measures, or project alternatives, has been added to the Draft EIR after publication of the Notice of Availability (NOA). The revised project represents a refinement of the overall project design, is substantially similar to the project described and evaluated in the Draft EIR, and does not result in any new significant environmental impacts or any substantial increase in the severity of previously identified environmental impacts. The information and analysis contained in the Draft EIR and this RTC Document are adequate for the purposes of CEQA, and recirculation of the EIR is not required due to the revised project.

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