

## **RESOLUTION NO. 14585**

### **RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH #2017062019) PREPARED FOR THE 1650 LOS GAMOS MEDICAL OFFICE BUILDING PROJECT TO ALLOW THE CONVERSION OF AN EXISTING GENERAL OFFICE BUILDING TO MEDICAL OFFICE USES AND CONSTRUCTION OF A NEW, 433-SPACE, THREE-LEVEL PARKING STRUCTURE (APNS: 165-220-12 and 165-220-13)**

**WHEREAS**, on February 21, 2017, Kaiser Foundation Health Plan (Kaiser or Kaiser Permanente) submitted project applications to the City of San Rafael Community Development Department for a Use Permit (UP17-005), an Environmental and Design Review Permit (ED17-001), a Zone Change (ZC17-001) to amend the existing Planned Development (PD1590) District for the Marin Commons, and a Sign Program Amendment (SP17-002) for the conversion of an existing approximately 148,000-square-foot office building to medical office uses and the construction of an up to 511-space parking structure on the western parcel of a 11.2-acre property at 1650 Los Gamos Drive; and

**WHEREAS**, on June 27, 2017, the Planning Commission (Commission) held an appropriately noticed public scoping hearing on the Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) to assess the impacts of the project. The Planning Commission directed staff to prepare an EIR for the project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) to address the following issues: Aesthetics, Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Noise, Traffic and Transportation, and project Alternatives, per the Initial Study previously prepared for the project on June 9, 2017; and

**WHEREAS**, on October 27, 2017, Kaiser Permanente submitted a Final Traffic Impact Analysis (FTIA), prepared by Fehr and Peers for the proposed project. The FTIA evaluated the project's impacts on the local circulation network and identified a potential mitigation measure requiring signalization and other improvements to the Lucas Valley Rd/Los Gamos Drive intersection; and

**WHEREAS**, the Draft EIR (DEIR) was circulated for a 45-day public review period beginning March 8, 2018 and ending April 24, 2018 (SCH # 2017062019). On April 24, 2018, the Planning Commission held a duly-noticed public hearing to consider and accept comments on the DEIR. The DEIR concluded that the project would result in significant, unavoidable impacts associated with Transportation and Circulation. All other significant impacts identified in the DEIR could be mitigated to less-than-significant levels with implementation of mitigation measures recommended in the DEIR; and

**WHEREAS**, based on written and oral comments received from the public on the DEIR and its own review of the DEIR, the Planning Commission directed staff to prepare a Final Environmental Impact Report (FEIR) and respond to comments received on the DEIR; and

**WHEREAS**, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088, 15089 and 15132, the City responded to all the environmental comments that were submitted on the DEIR during the public review period and a FEIR was completed. On August 10, 2018, a Notice of Availability for the FEIR/Response to Comments and the August 28, 2018 Planning Commission hearing was mailed to interested persons and property

owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR. A notice of availability was also published in the Marin Independent Journal on Saturday, August 11, 2018; and

**WHEREAS**, the City intends that the FEIR, and all applicable mitigation measures therein, shall be used as the environmental documentation required by CEQA for subsequent discretionary actions required for this project; and

**WHEREAS**, on August 28, 2018, the Planning Commission held a duly-noticed public hearing on the FEIR and project merits, accepting all public testimony and the written report of the Community Development Department staff. On a 5-0 vote (one absent, one recused), the Planning Commission recommended to the City Council certification of the FEIR; and

**WHEREAS**, on August 31, 2018, a Public Notice for the City Council hearing, which includes the Notice of Availability of the FEIR/Response to Comments, was mailed to interested persons and property owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR, informing them of the City Council hearing for final action. A notice of availability was also published in the Marin Independent Journal on Saturday, September 1, 2018; and

**WHEREAS**, on September 17, 2018, the City Council held a duly-noticed public hearing to review the FEIR/Response to Comments for the proposed amendment to the Kaiser Permanente 1650 Los Gatos Drive Medical Office Building Project and considered all oral and written public testimony and the written report of the Community Development Department; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based, is the Community Development Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby certifies the project's Final EIR, based upon the following findings required by CEQA Guidelines Section 15090

**BE IT FURTHER RESOLVED**, the City Council certifies the Final EIR with two minor clarifications to the Draft EIR text (both on page 4.4-10 of DEIR). These corrections/clarifications have no substantive impact, and correct the following information in the Greenhouse Gas Emission section:

- 3rd bullet, 2nd sentence on page 4.4-10 of Draft EIR. The numbers quoted are actually the "BAU + state reductions" scenario, and are not the City's emission reduction targets for 2020 and 2035. The emission reduction target for 2020 is 309,603 MTCO<sub>2</sub>e, while San Rafael didn't actually adopt its own 2035 emission reduction goal.
- 5th bullet on page 4.4-10 of Draft EIR. First number should be 58,222, and the second number should be 88,144. As per Table 5 of the GHG Emissions Reduction Strategy.

## **FINDINGS**

1. The Final Environmental Impact Report (FEIR), which consists of the DEIR dated March 8, 2018, the Response to Comments Document dated August 10, 2018, and all documents incorporated therein, has been prepared in accordance with CEQA, including Public Resources Code Section 21083.3, and the provisions of the City of San Rafael Environmental Assessment Procedures Manual.

2. The FEIR has been prepared and completed in compliance with the CEQA Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially-authorized scope of work. Further, all prescribed public review periods and duly-noticed hearings were held for the project Notice of Preparation (NOP), Notice of Completion (NOC) for public review of the DEIR and Notice of Availability following publication of the FEIR.
3. The FEIR has been prepared using the City's independent judgment and analysis, and the FEIR:
  - a) Appropriately analyzes and presents conclusions regarding impacts;
  - b) Analyzes a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project; and
  - c) Recommends mitigation measures to substantially lessen or avoid the otherwise significant adverse environmental impacts of the project.

The findings and recommendations in the document are supported by technical studies prepared by professionals experienced in the specific areas of study.

4. The City Council exercised its independent judgment in evaluating the FEIR and has considered the comments received during the public review period on the DEIR.
5. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and the City Council. The City Council has reviewed and considered all information contained in the FEIR prior to making its decision on the project, and concludes that the FEIR:
  - a) Appropriately analyzes and presents conclusions on the impacts of the project;
  - b) Analyzes a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project;
  - c) Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the project; and
  - d) Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
6. The information contained in the FEIR is current, correct and complete for document certification. As a result of comments submitted on the DEIR, the FEIR provided responses to comments received on the DEIR and provided clarification to those comments. No new information has been added to the DEIR and it does not deprive the public of meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. In particular, no new information was presented in the FEIR and it does not disclose or result in:

- a) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
  - b) A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR;
  - c) Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the project's proponents refuse to adopt.
  - d) A finding that the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
7. The FEIR presents factual, quantitative and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. At the time the City considers action on the project's merits, it will be necessary to make complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a). For each significant effect identified in the EIR, the City will be required to make one or more of the following findings:
- a) That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR; that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency;
  - b) That specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR; and
  - c) As the project would result in several significant, unavoidable impacts, findings of overriding consideration will be required. Such findings will require that the City weigh the benefits of the project with the environmental impacts that cannot be mitigated.
8. The City Council is taking action to certify the FEIR for the project, recognizing it as an informational document for assessment of the project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use entitlement or right of development for the project site. The FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163, are present with respect to the project to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on project entitlements does not prejudice or bias review or actions on the proposed development project.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 17th of September 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS Bushey, Colin, Gamblin, McCullough and Mayor Phillips

NOES: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS None

SAN RAFAEL CITY COUNCIL

BY:   
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LINDSAY LARA, City Clerk