

RESPONSE TO LETTER 27 – LOIS TUCKER

Response to Comment 27-1

It is unclear what the commentor's question is. Nighttime lighting and glare impacts are discussed in *Impact IV.7-4* of the EIR. *Draft General Plan 2020* includes the following policies which relate to nighttime lighting: policies **CD-11 Non-residential Design Guidelines** and **CD-12 Multi-family Design Guidelines** both address nighttime lighting issues through the design review process; policy **CD-21 Lighting** specifically addresses excessive light spillover and glare, and also uses the design review process to limit such potential impacts. Furthermore, Mitigation Measure IV.7-4 would require that the City develop an additional program, as part of policy **CD-21 Lighting** that would minimize light trespass and increases in the overall level of light at night. See also *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, "CD-21 (Lighting)".

RESPONSE TO LETTER 28 – JANIS CHAN

Response to Comment 28-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, "C-5A (Intersection LOS)".

RESPONSE TO LETTER 29 – JACKIE DEANE

Response to Comment 29-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, "H-18a (Efficient use of Multifamily Housing Sites)".

Response to Comment 29-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, "H-25 (Second Units)".

RESPONSE TO LETTER 30 – BRIAN SHEEDY

Response to Comment 30-1

Comments noted. See Response to Letters 22 and 23.

RESPONSE TO LETTER 31 – PETER CROSBIE

Response to Comment 31-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, "Land Use Map".

RESPONSE TO LETTER 32 – ALBERT BARR, LOCH LOMOND HOMEOWNERS ASSOCIATION

Response to Comment 32-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5D”.

Response to Comment 32-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5D”.

RESPONSE TO LETTER 33 – PATRICK J. MURPHY, FEDERATION OF SAN RAFAEL NEIGHBORHOODS

Response to Comment 33-1

Comment noted. The Planning Commission has recommended that the following program be added to *General Plan 2020*.

Policy N-6c coordination with Local and State Agencies. Coordinate with Marin Countywide Planning Agency and Congestion Management Agency to achieve noise reduction along Pt. San Pedro Road, Highways 101 and 580, and the Sonoma Marin Area Rail Transit corridor.

RESPONSE TO LETTER 34 – DAVID N. TATTERSALL, LOCH LOMOND MARINA COMMITTEE

Response to Comment 34-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU1-a (Planning Area and Growth to 2020)”.

Response to Comment 34-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2 (Development Timing)”.

Response to Comment 34-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-3 (Project Selection Process)”.

Response to Comment 34-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-5a (Urban Service Area Review)”.

Response to Comment 34-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-8 (Density of Residential Development)”.

Response to Comment 34-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-12 (School Site Reuse or Redevelopment)”.

Response to Comment 34-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-13 (Building Heights) Exhibit 7 (Building Height Limits)”.

Response to Comment 34-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Land Use Map”.

RESPONSE TO LETTER 35 – ALBERT BARR, LOCH LOMOND MARINA COMMITTEE

Response to Comment 35-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”.

Response to Comment 35-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses” and “NH-121 (Loch Lomond Marina) – Design”.

Response to Comment 35-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Appendix B, p. 353”.

RESPONSE TO LETTER 36 – JOSEPH W. CARAMUCCI, JOSEPH W. CARAMUCCI, INC.

Response to Comment 36-1

The relevant California Government Code Section is referenced in the *Background Report* prepared for *Draft General Plan 2020*. This *Background Report* is considered a “sister” document of *Draft General Plan 2020* and is available for review at the City of San Rafael Community Development Department, Planning Division.

Response to Comment 36-2

See Response to Comment 36-1.

Response to Comment 36-3

See Master Response E – Noise for a discussion of noise issues associated with the San Rafael Rock quarry.

Response to Comment 36-4

See Master Response E – Noise for a discussion of traffic noise contours.

Response to Comment 36-5

See Master Response E – Noise for a discussion of traffic noise contours.

Response to Comment 36-6

See Master Response E – Noise.

Response to Comment 36-7

See Master Response E – Noise.

Response to Comment 36-8

See Response to Comment 118-2 and Master Response C – Loch Lomond.

Response to Comment 36-9

See Master Response E Noise.

RESPONSE TO LETTER 37 – BARBARA SALZMAN, MARIN AUDUBON SOCIETY

Response to Comment 37-1

The protection of wildlife movement corridors (policy **CON-11 Wildlife Corridors**) and endangered species (policy **CON-13 Threatened and Endangered Species**) are discussed in the Conservation Element *Draft General Plan 2020*. It is not necessary to discuss these two issues in the Open Space element.

Response to Comment 37-2

Program **OS-1b Preservation Opportunities** makes a general statement in regards to “Preservation Opportunities.” The possibility of acquiring fee titles or easements is understood. It is not necessary to add additional text in response to this comment.

Response to Comment 37-3

See Appendix G of the *Draft General Plan 2020* (page 381) and also **Section IX.5 Responses to Comments on the Draft General Plan 2020** response under OPEN SPACE ELEMENT, “Appendix G (Potential Open Space Sites)”.

Response to Comment 37-4

Issues related to wildlife habitat are discussed in the Conservation Element of *Draft General Plan 2020*. See also **Section IX.5 Responses to Comments on the Draft General Plan 2020** response under OPEN SPACE ELEMENT, “OS-2 (Open Space Management)” and “OS-2a (Open Space Management Plan)”. The second comment, to specify that a person skilled in habitat protection be part of the committee, is not recommended because the details regarding the skills, knowledge, and

experience of each representative is better determined at the time the committee is created. The representatives from an environmental organization, another stakeholder, or a user group may all bring knowledge of habitat protection.

Response to Comment 37-5

Policy **CON-2 Wetlands Preservation** requires “(1) appropriate public and private wetlands preservation, (2) restoration, and/or (3) rehabilitation through compensatory mitigation in the development process for unavoidable impacts.” The first two points could occur without development. If Marin Audubon Society acquired the baylands, this would be covered under the first point, preservation.

Response to Comment 37-6

An impact would be deemed unavoidable only after thorough review through the CEQA process and during the regulatory process by the U.S. Army Corps of Engineers (via an alternatives analysis per Section 404(b)(1) of the Clean Water Act), the California Department of Fish and Game, the Regional Water Quality Control Board, and potentially the California Coastal Commission. According to CEQA, unavoidable is defined as “impacts that cannot be avoided because there are no feasible mitigation measures or because feasible measures cannot mitigate the impacts to a less than significant level.” If a project was proposing to “fill” a wetland, the proposed actions would be evaluated at length as to why impacts to wetlands could not be avoided and if there was feasible mitigation to reduce the impact to a less than significant level. If the specific project’s EIR concludes that a project would result in significant unavoidable impacts to wetland resources, the lead agency would then be required to issue a statement of overriding consideration prior to approving the project. Even if the lead agency were to approve a project with overriding consideration, the applicant would be required to obtain authorization from various agencies who operate on a no net loss policy.

Response to Comment 37-7

See Response to Comment 11-1. Technical constraint refers to a constraint from proposed development. In other words, the remaining open space on a specific property not providing the correct topography to support a wetland habitat, not located in an area that would be able to establish as a natural, self-sustaining habitat, etc. If a specific property owner is being forced to mitigate for the loss of wetland habitat, they are going to prefer that the mitigation be done on their property. On-site mitigation is the least expensive and quickest route for a property owner to take; although, it is not always possible depending on the property and project objectives.

Response to Comment 37-8

The purpose of a setback or buffer is to reduce anthropogenic effects on wetland systems. *Draft General Plan 2020* would require that there be a minimum of a 50 foot development-free setback (free from all human disturbance including unpaved trails, backyards, etc.) from wetland habitats. Individual projects would be evaluated according to the quality of the wetland habitat on their individual parcel. If the quality of the wetland is determined to be high, a setback greater than 50 feet may be required. However, if the wetland is degraded and/or has development surrounded it on all sides but the parcel in question, a 50 foot buffer would be sufficient to protect the habitat. The exact size of the buffer would be determined on an individual basis during the CEQA process and through consultation with the various governing agencies.

Response to Comment 37-9

As stated above in Response to Comment 37-8, the exact size of the buffer would be determined on an individual basis during the CEQA process, etc.; it would not be up to the individual project's consultant. The waiver allows for some variances depending on projects. In certain instances, it may be appropriate to waive the setback.

Response to Comment 37-10

Policy **CON-4 Wetland Setbacks** was written in a general manner during this phase of development planning. The wetland setback states that the setback should be a minimum of 50-feet. This is not to say that a project could not have a 300-foot buffer if the quality of habitat was high. As stated above in Response to Comments 37-8 and 37-9, the exact size of the buffer would be determined during the planning stages of individual projects and in consulting with governing agencies.

Response to Comment 37-11

It is generally desirable to minimize human activities adjacent to riparian corridors. The goal of minimizing human use has led to the requirement of a setback or buffer along riparian corridors as an attempt to reduce impacts to these areas. *Draft General Plan 2020* would protect the creeks and drainageways within the Planning Area by requiring a development-free buffer along these waterways. The exact size of the buffer can not be determined in *Draft General Plan 2020* due to the fact that the buffer would be set depending on the quality of the riparian habitat in question. The exact size of the buffer would be determined during an individual project's CEQA process and consultation with the various governing agencies.

Draft General Plan 2020 does set some basic guidelines as to how the size of the buffers would be determined. Policy **CON-6 Creek and Drainageway Setbacks** states that a minimum of a 25 foot buffer would be required depending on the individual project that is proposed. The creeks shown on Exhibit 36, San Rafael Creek, and Gallinas Creek are overall not high quality riparian habitat; therefore, a minimum of a 25 foot buffer would generally be sufficient to protect these riparian areas. In the stretches of these waterways that are of high quality habitat (undisturbed, development absent from surrounding lands, riparian vegetation stretching beyond the minimum buffer of 50 feet, etc.), a greater buffer may be required and determined on an individual basis. Miller Creek is the most pristine riparian habitat that occurs in the Planning Area. *Draft General Plan 2020* states that a minimum of a 50 foot setback would be required along this creek. Although, as stated above, in areas that are of high quality a greater buffer may be required.

The width of existing native riparian vegetation would be one of the main guidelines when determining the size of the riparian setback. Through the CEQA process and consultation with the governing agencies, individual projects would be required to protect this riparian vegetation. Program **CON-8c Tree Retention** also would require that trees within riparian zones be retained where possible.

Response to Comment 37-12

Small drainageways occur throughout the Planning Area. Many of the drainageways are simply eroded features that do not provide high quality habitat for any biological resources; thereby not necessitating a 25 foot setback. As stated in the above response, it is feasible to require a 25 foot setback to the blue line waterways on the USGS maps.

Response to Comment 37-13

Such a policy would not be necessary. During review of individual projects, the various agencies (USACE, CDFG, and RWQCB) would require most drainages to remain above ground; the agencies would not issue permits before approving project designs. There are certain instances in which culverting very small drainages that do not provide quality habitat would not result in any negative biological impacts.

Response to Comment 37-14

Minor encroachments (pedestrian trail, etc.) into the setback areas should not be a problem for the creeks. Any work within the setback area would be evaluated and approved at a later date once site specific plans have been proposed.

Response to Comment 37-15

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-9b (Feral Cats)”.

Response to Comment 37-16

Tree preservation and protection of woodlands and native grasslands would be covered under **CON-10 Impacts to Sensitive Habitats**. There is not a need to state explicitly the habitats that will be protected under CON-10, as that would be done when individual projects implement these policies. Also, **CON-8c Tree Retention** specifically protects trees along riparian corridors.

Response to Comment 37-17

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-13”.

RESPONSE TO LETTER 38 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 38-1

Commentor describes the Canalways property. Comment noted.

Response to Comment 38-2

Comment noted. *Draft General Plan 2020* does not include a proposal to connect the two ends of Kerner Boulevard across Canalways. It is unclear whether or not the connection of the two ends Kerner Boulevard would revolutionize traffic flow.

According to the City Traffic Engineer Kerner Boulevard was proposed in General Plan 2000 to be connected because it was linked to the Irene Overcrossing over I-580. The east/west connection of the underpass on Interstate 580 further south replaces the Irene overcrossing, and there is no longer a need to make the Kerner Boulevard connection. See also *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 38-3

Comment noted. A chronology of significant actions that have occurred related to the Canalways property is provided in Master Response D – Canalways.

Response to Comment 38-4

The commentator’s opinion is noted. See Master Response D – Canalways for a discussion of the history of the Canalways property. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 38-5

See Master Response D – Canalways for a discussion of wetlands at Canalways.

Response to Comment 38-6

The City used an extensive public participation process to prepare *Draft General Plan 2020*. The public participation process is described in part in the Introduction of *Draft General Plan 2020*. There is no evidence that any one group or individual had any more influence over the preparation of *Draft General Plan 2020* than any other group or individual.

Response to Comment 38-7

See Master Response D – Canalways for a discussion of wetlands at Canalways.

Response to Comment 38-8

See Master Response D – Canalways and also see Response to Comment 45-1 for a discussion of Exhibit 35.

Response to Comment 38-9

Several comments from the owners of the Canalways property have implied that *Draft General Plan 2020*’s proposed designations for the Canalways property is a “taking” of the property requiring payment of “just compensation”. The federal and state Constitutions guarantee real property owners “just compensation” when their land is “taken for public use” (U.S. Const., 5th Amend.: Cal. Const., art. I, § 19.) The federal takings clause is made applicable to the states through the Fourteenth Amendment.

As discussed in Master Response D – Canalways, in response to comments on *Draft General Plan 2020* the Planning Commission has recommended a revision to the definition of the Conservation land use designation and to policy **NH-82 Canalways**.

The property owners have asserted that the mere enactment of *General Plan 2020* would result in a taking of their property without just compensation. The Supreme Court has established the test to be applied in such “facial” takings challenges. “A statute regulating the uses that can be made of property effects a taking if it ‘denies an owner economically viable use of his land. . .’” (*Keystone Bituminous Coal Ass’n v. DeBenedictis* (1987) 480 U.S. 470 495.)

The Supreme Court has noted that a litigant pursuing a facial challenge in a takings case faces an “‘uphill battle.’” (*Suitum v. Tahoe Regional Planning Agency* (1997) 520 U.S. 725, 736, fn. 10.) The

Supreme Court has explained, “[I]t is difficult to demonstrate that “ ‘mere enactment’” of a piece of legislation ‘deprived [the owner] of economically viable use of [his] property.’ [Citation.] (*Ibid.*) To succeed on a facial takings claim, the property owner must demonstrate that the general plan designation is so restrictive that it necessarily effects a taking of the owner’s property under any conceivable implementation scenario.

The City’s designation of a significant portion of the property as Light Industrial/Office clearly does not deny the property owners all economically viable use of the property. Furthermore, the designation is a recognition that the property contains one of the last remaining areas of salt marsh wetlands in the region. The designation therefore limits development unless the applicant can demonstrate that the area is developable. Constraints on developing the property are a result of the resource values of the property, not the Conservation designation.

The owners of the Canalways property have also urged the City to consider allowing the “beneficial reuse of dredge material on the property.” See Response to Comment 101-1 for a further discussion of the use of the Canalways property for the disposal of dredge material. Such a use, however, can only be considered within the context of a permit application for such a use. The City notes that such a use would require a permit for fill of wetlands from the United States Army Corps of Engineers pursuant to section 404 of the Clean Water Act. Additionally, the City’s consideration of such a permit application would require the City to determine whether the use is consistent with the General Plan.

Response to Comment 38-10

See Master Response D – Canalways for a discussion of the habitat value at Canalways for the salt marsh harvest mouse.

Response to Comment 38-11

The commentor’s opinion regarding the benefits of development at the Canalways is noted.

Response to Comment 38-12

See Master Response D – Canalways.

Response to Comment 38-13

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 38-14

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 38-15

Comment noted.

Response to Comment 38-16

Whether or not the Canalways property is an appropriate site for the disposal of dredge materials is beyond the scope of the General Plan. An applicant would need to undertake a separate permitting process to determine the suitability of the Canalways as such a disposal site.

Response to Comment 38-17

The commentor's opinion that the use of the Canalways as a dredge disposal site would be a reasonable interim use of the site is noted.

Response to Comment 38-18

The commentor's information regarding dredging is noted.

Response to Comment 38-19

The commentor's information regarding the beneficial reuse of dredged materials is noted.

Response to Comment 38-20

The commentor's opinion regarding "economic considerations" is noted.

RESPONSE TO LETTER 39 – SANDRA SELLINGER, MARIN RELEAF

Response to Comment 39-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, "CD-20c (Street Tree Maintenance)".

RESPONSE TO LETTER 40 – LEN NIBBI, JHS PROPERTIES

Response to Comment 40-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, "Page 38, Exhibit 10, Land Use Categories"; and under NEIGHBORHOODS ELEMENT, "NH-153 (San Rafael Airport)".

Response to Comment 40-2

See Response to Comment 45-1.

RESPONSE TO LETTER 41 – DON SWARTZ, SAN RAFAEL REDEVELOPMENT AGENCY

Response to Comment 41-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-84 (Windward Way)".

RESPONSE TO LETTER 42 – FRED GRANGE, KERNER BOULEVARD, LLC

Response to Comment 42-1

Please see Master Response D – Canalways for a discussion of suitable habitat on the Canalways for the salt marsh harvest mouse. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOOD ELEMENT regarding policy NH-82.

RESPONSE TO LETTER 43 – ALBERT BARR, LOCH LOMOND HOMEOWNERS ASSOCIATION

Response to Comment 43-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5B. Arterial LOS”.

RESPONSE TO LETTER 44 – LEN NIBBI, JHS PROPERTIES

Response to Comment 44-1

See Response to Comment 45-1.

RESPONSE TO LETTER 45 – DOUGLAS SPICHER, PWS, WETLANDS RESEARCH ASSOCIATES, INC.

Response to Comment 45-1

Information for Exhibit 35, Baylands was gathered from the San Francisco Estuary Institute, and information for Exhibit 34, Major Biotic Habitats was provided as a result of actual field observations by a qualified biologist in recent years. Exhibit 34 is a more accurate representation of the habitats that are present in the Planning Area and serves to provide the necessary information presented in both Exhibit 34 and 35. Exhibit 34 (which will remain part of the General Plan) defines only portions of the airport as wetlands, which coincides with the wetland delineation maps from 1986 and 1998.

In addition, it is acknowledged that the Parks/Open Space designation is not appropriate for the airport site. A new land use designation of “Airport/Recreation” is recommended to more accurately reflect the allowable uses provided by the land use covenant which exists on the airport property.

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “Exhibits 33, 34, 35, 36, 37”.

RESPONSE TO LETTER 46 – JOSEPH L. LEMON, JOSEPH L. LEMON ATTORNEY AT LAW

Response to Comment 46-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT for a discussion of Policy NH-82 (Canalways).

It should be noted that the property commonly known as “Canalways” consists of approximately 80 acres of land. *Draft General Plan 2020* proposes to designate approximately 68.7 acres as Conservation and the remaining 11.5 acres as Light Industrial/Office.

Response to Comment 46-2

Please see Master Response D – Canalways for a discussion of wetlands on the Canalways.

Response to Comment 46-3

The commentor’s opinion is noted. See letter from Assistant City attorney Clark Guinan following *Section IX.5 Responses to Comments on the Draft General Plan 2020 NEIGHBORHOODS ELEMENT* and also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 46-4

Please see Master Response D for a discussion of suitable habitat for the salt marsh harvest mouse on the Canalways property.

Response to Comment 46-5

Contrary to what is implied in this comment, *Draft General Plan 2020* would permit some development to occur at the 80 acre Canalways property. Approximately 68.7 acres of the Canalways has a land use designation of Conservation (see Exhibit 11, Land Use Map of *Draft San Rafael General Plan 2020*). The designation of the northern portion of the Canalways as Conservation would allow for future development under certain conditions. The Conservation designation is applied to “areas identified as having visual or other natural resource significance that should be protected through the development review process”.¹ The remaining approximately 11.5 acres of the Canalways is designated as Light Industrial/Office.

In response to this and other comments on *Draft General Plan 2020* the Planning Commission recommends that the definition of the Conservation land use designation be revised to read as follows:

Areas identified as having visual or other natural resource significance that should be protected through the development review process. The Conservation designation is applied to environmentally-sensitive areas that are part of a larger site of contiguous parcels under common ownership. Absent evidence that some portion of the area is appropriate for development, no development of residential, industrial or commercial buildings shall be allowed. The city will consider some level of intensity and density of development upon evidence that such use is appropriate.

Response to Comment 46-6

Comment noted. In response to this and other comments on *Draft General Plan 2020* the Planning Commission recommends that policy **NH-82 Canalways** be revised to read as follows:

¹ *Draft General Plan 2020*, City of San Rafael, January 9, 2004, page 40.

Recognize the high resource value of the site's wetlands that provide habitat to ~~rare and endangered~~ many species, which may include rare and endangered species. In addition, recognize that this site is in an area affected by traffic congestion. ~~Encourage and support efforts to purchase the site for open space.~~ With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. ~~Light Industrial/Office is a use that would have the least impact on the wetland habitat.~~ Development shall be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas determined as critical upland habitat for endangered species.

Response to Comment 46-7

As a part of the preparation of *Draft General Plan 2020* an assessment of potential housing sites was prepared. The General Plan 2020 Steering Committee identified a list of 87 potential housing sites. Based on an initial review 36 sites were selected for public consideration and review. A 37th site, second dwelling units in single family homes, was also included. The Canalways property was included in the list of the 37 sites. Of the 37 sites studied by the Steering Committee for housing, the Canalways property ranked last due to environmental constraints, its low elevation, the lack of traffic capacity, and high infrastructure costs. ²

Response to Comment 46-8

The commentor's opinion is noted.

RESPONSE TO LETTER 47 – DWAYNE HUNN, VALENTINE CORPORATION

Response to Comment 47-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, "Land Use Map, re. 111 Pelican".

RESPONSE TO LETTER 48 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 48-1

The commentor's opinion is noted.

RESPONSE TO LETTER 49 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 49-1

The commentor's opinion is noted. This is an opinion on the merits of the California Environmental Quality Act (CEQA) and not on the adequacy of the Draft EIR or *Draft General Plan 2020*. The commentor is referred to section 15002(a) of the *State CEQA Guidelines* which sets forth the basic purposes of CEQA.

² *Draft San Rafael General Plan Housing Opportunity Sites Report*, City of San Rafael, August 8, 2002, pages 3 and 4.

Response to Comment 49-2

The commentor's opinion is noted. Approximately 68.7 acres of the 80-acre site would have a Conservation land use designation. The remaining 11.5 acres would be designated Light Industrial/Office. A project consistent with the site's General Plan land use designation would not require a General Plan amendment.

Response to Comment 49-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-82 (Canalways)".

RESPONSE TO LETTER 50 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 50-1

The commentor's opinion regarding the disposal of dredged materials at Canalways is noted.

Response to Comment 50-2

Comment noted.

Response to Comment 50-3

The commentor's opinion is noted.

RESPONSE TO LETTER 51 - ALBERT BARR, LOCH LOMOND MARINA COMMITTEE

Response to Comment 51-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina) – Residential Density".

RESPONSE TO LETTER 52 – MICHAEL JOSSELYN, PHD, WETLANDS RESEARCH ASSOCIATES, INC.

Response to Comment 52-1

See Master Response D – Canalways for a discussion of wetlands at the Canalways property.

Response to Comment 52-2

See Master Response D – Canalways for a discussion of the salt marsh harvest mouse at the Canalways property.

Response to Comment 52-3

Comment noted. Based on the information in Master Response D – Canalways no changes to the proposed General Plan land use designations are recommended.

RESPONSE TO LETTER 53 – ELISSA GIAMBASTIANI, SAN RAFAEL CHAMBER OF COMMERCE

Response to Comment 53-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Housing Policies and Programs”, “Housing Element Background Report p. 352-53”, and “Appendix B, Housing Background”.

Response to Comment 53-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Quantified Objectives Table, page 358”.

Response to Comment 53-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18a (Efficient use of Multifamily Housing Sites)”.

Response to Comment 53-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-17b (Affordable Housing for Seniors through the Project Selection Procedure)”.

Response to Comment 53-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-21a (State Density Bonus)”.

Response to Comment 53-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-23 (Mixed Use)”.

Response to Comment 53-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-23b (Zoning standards to encourage mixed use)”.

Response to Comment 53-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-25 (Second Units)”.

Response to Comment 53-9

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 54 - THOMAS J. LOHWASSER, ED.D, DIXIE SCHOOL DISTRICT

Response to Comment 54-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18d (Underutilized Public and Quasi-Public lands for Housing)”.

RESPONSE TO LETTER 55 - DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 55-1

The commentor’s opinion is noted.

RESPONSE TO LETTER 56 - ALBERT BARR, LOCH LOMOND MARINA COMMITTEE

Response to Comment 56-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

RESPONSE TO LETTER 57 – BARBARA SALZMAN, MARIN AUDUBON SOCIETY

Response to Comment 57-1

The goals and policies of the Conservation element would apply to the resources mentioned in this comment.

Response to Comment 57-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-46 (California Park)”.

Response to Comment 57-3

See Master Response D – Canalways. Issues related to development within and adjacent to wetlands are addressed in policies **CON-2 Wetlands Preservation**, **CON-3 Unavoidable Filling of Wetlands**, and **CON-4 Wetland Setbacks**. A final determination of the developmental potential for the Canalways can not be made at this time without further detailed biological surveys (salt marsh harvest mouse trapping and wetland delineation).

Response to Comment 57-4

Commentor expresses support for policy **NH-47 San Rafael Canal**. Comment noted.

Response to Comment 57-5

The goals and policies of the Conservation element would ensure that public access would not adversely affect habitat values.

Response to Comment 57-6

Issues related to biotic habitats are discussed under Goal 31. Policies **NH-52 Canal Maintenance** and **NH-53 Canal Water Quality** address the commentor's concern with canal maintenance and canal water quality.

Response to Comment 57-7

Issues related to biotic habitats are discussed in the Conservation Element.

Response to Comment 57-8

The commentor raised a question regarding policy **NH-55 Flood Control Improvements**.

The Corps of Engineers administers flood protection work under the 1923 San Rafael Creek Project which is subject to congressional authorization. Under the maintenance provisions of the project, the Corps conducts dredging of accumulated sediments in both the "across-the-flats" reach and the upper "canal" reach of the Creek. The dredging on the across-the-flats reach occurs on roughly four-year cycles, while dredging on the canal reach occurs every seven years. Both of these scheduled maintenance dredgings were completed in the last couple of years. The most recent scheduled maintenance dredging of the canal reach was postponed while an upland disposal site was found for the contaminated sediments that were discovered by the mandatory toxicity testing. These sediments were ultimately hauled to an approved disposal site at Winter Island in the San Francisco-San Joaquin Delta. This maintenance dredging is part of the ongoing flood control and navigation maintenance program for San Rafael Creek.³

The other principal component of the City's flood control program for the San Rafael Creek/Canal is the raising of current substandard Bay levee segments. These levees have subsided over their lifetimes and must be raised to protect the industrial/commercial and residential areas fronting the Canal from overtopping during severe tidal and/or coincident watershed flooding. Many of the existing privately owned and maintained levee segments have average crest elevations of +8.0 feet NGVD or lower. The current federal (e.g. FEMA/Corps) and City standard for tidal levees along San Rafael Bay is +10 feet NGVD after settlement, which accounts for both the surcharging effects of wave runup and future sea level rise. Since the bulk of the levee segments not meeting the City standard are privately owned, the City must typically wait for new development proposals before the substandard levees come under City review and permit jurisdiction.

Response to Comment 57-9

Issues related to biotic habitats are discussed in the Conservation Element. *Draft General Plan 2020* is intended to address future work that may be done in the Planning Area. At some time in the future, the facilities at China Camp may need to be upgraded. However, policy **NH-58 China Camp State Park** does not only discuss upgrading the facilities, but also includes maintenance, management, and regulation.

³ Clearwater Hydrology (EIR hydrologist) conversation with Scott Schneider, City of San Rafael, Dept. of Public Works, May 2004.

Response to Comment 57-10

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-61 (Sonoma Marin Area Rail Transit [SMART] Station)”.

Response to Comment 57-11

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-62 (Bicycle and Pedestrian Walkway)”.

Response to Comment 57-12

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-110 (Unused Portions of the Former NWP Right-of-Way)”.

Response to Comment 57-13

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-118 (Albert Park)”.

Response to Comment 57-14

Issues related to biotic habitats (and setbacks) are discussed in the Conservation Element.

Response to Comment 57-15

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-122 (Marin Islands)”.

Response to Comment 57-16

Issues related to biotic habitats (in particular wetlands) are discussed in the Conservation Element.

Response to Comment 57-17

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-154 (Smith Ranch Pond)”.

Response to Comment 57-18

Issues related to biotic habitats (in particular wetlands) are discussed in the Conservation Element. Also, see Response to Comment 45-1.

Response to Comment 57-19

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-169 (Santa Margarita Creek)”.

RESPONSE TO LETTER 58 - MIRANDA HELLER, THE MARIN BALLET

Response to Comment 58-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Exhibit 5 (Floor Area Ratios)”, and “Land Use Map”.

RESPONSE TO LETTER 59 - ROY CHERNUS, LEGAL AID OF MARIN

Response to Comment 59-1

Comment noted. It should be noted that that the Canalways property ranked last in an evaluation of 37 potential housing opportunity sites.⁴ Also see Response to Comment 46-7.

RESPONSE TO LETTER 60 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 60-1

The commentor’s opinion is noted.

Response to Comment 60-2

The commentor’s opinion is noted.

Response to Comment 60-3

The commentor’s opinion is noted.

Response to Comment 60-4

The commentor’s opinion is noted.

RESPONSE TO LETTER 61 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 61-1

See Master Response D – Canalways for a discussion of salt marsh harvest mouse and wetlands issues at Canalways.

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-24 (Land Use Map and Categories)” for a discussion of revisions to the Conservation designation. In response to this and other comments on *Draft General Plan 2020* the Planning Commission recommends that the definition of the Conservation land use designation be revised (see Response to Comment 46-5 for revised language).

⁴ *Draft San Rafael General Plan Housing Opportunity Sites Report*, City of San Rafael, August 8, 2002, pages 3 and 4.

The Conservation category also applies to sites at Marin Sanitary Services, the property to the east of Pickleweed Park, the wetlands at the San Rafael Rock Quarry, and part of the Lucas Film properties in the Planning Area.

Approximately 68.7 acres are designated as “Conservation” at Canalways.

In reviewing the General Plan 2000 land use designations of Conservation, Medium Density Residential, and Light Industrial/Office, the Mapping Subcommittee (the group that prepared Draft Land Use Plan for the Steering Committee) took into consideration the information in the Environmental Context of the *Background Report* (2001). The Committee also reviewed the site’s elevations, available on the topographic maps from the San Rafael Department of Public Works.

The current Conservation designation was approved when the San Rafael City Council adopted *General Plan 2000* in 1988.

Regarding the *General Plan 2020* Public Hearings, notices have been published in the *Marin I.J.* pursuant to State law.

Dwayne Hunn, representative for the property owners, informed the Steering Committee of the property owners’ interests at the Steering Committee’s meetings and workshops.

The Steering Committee considered whether or not housing was an appropriate use at the site, and concluded that the Light Industrial/Office designation was a land use that resulted in less of an impact on the adjacent habitat areas.

The Conservation district states that some level of intensity and density of development may be considered by the City Council, provided that evidence is presented that the proposed area for development is appropriate and the natural resources have been protected.

Response to Comment 61-2

See Response to Comment 49-2 regarding the need for a General Plan amendment at the Canalways property.

RESPONSE TO LETTER 62 - ROY CHERNUS, LEGAL AID OF MARIN

Response to Comment 62-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Housing Policies and Programs”, and “Housing Element Background Report p. 352-53”.

RESPONSE TO LETTER 63 - DAVID TATTERSALL, LOCH LOMOND MARINA COMMITTEE, POINT SAN PEDRO ROAD COALITION

Response to Comment 63-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 64- JOHNATHON FRIEMAN, JOMIJO FOUNDATION

Response to Comment 64-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

RESPONSE TO LETTER 65 - ELISSA GIAMBASTIANI, SAN RAFAEL CHAMBER OF COMMERCE

Response to Comment 65-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

**RESPONSE TO LETTER 66 – GENERAL PLAN 2020 NEIGHBORHOODS ELEMENT NOTES
(UNKNOWN AUTHOR)**

Response to Comment 66-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Dominican/Black Canyon Vision, first sentence”.

Response to Comment 66-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-71 (Freeway Wound Wall Landscaping)”.

Response to Comment 66-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-9c (New Parks-Dominican)”.

RESPONSE TO LETTER 67 – SANDRA SELLINGER, MARIN RELEAF

Response to Comment 67-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20 Street Trees”.

Response to Comment 67-2

The information presented by the commentator is noted.

RESPONSE TO LETTER 68 –SUSAN ADAMS, MARIN COUNTY BOARD OF SUPERVISORS

Response to Comment 68-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-27 (Energy- Water- and Resource-Efficiency in Government)”.

Response to Comment 68-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-27 (Energy- Water- and Resource-Efficiency in Government”.

Response to Comment 68-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-27 (Energy- Water- and Resource-Efficiency in Government”.

Response to Comment 68-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-27 (Energy- Water- and Resource-Efficiency in Government”.

Response to Comment 68-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “CON-27 (Energy- Water- and Resource-Efficiency in Government”.

Response to Comment 68-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Lucas Valley”.

Response to Comment 68-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”); and see Master Response A – San Rafael Rock Quarry.

Response to Comment 68-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

RESPONSE TO LETTER 69 – TYMBER CAVASIAN, GERSTLE PARK NEIGHBORHOOD ASSOCIATION GERSTLE PARK SECTION OF NEIGHBORHOODS ELEMENT

Response to Comment 69-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-32 (Downtown’s Neighbors) Second Bullet”, and “Gerstle Park Vision”.

Response to Comment 69-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Gerstle Park Introduction”.

Response to Comment 69-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-116 (New Development)-last bullet”.

Response to Comment 69-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-116a (Development Review Process)”.

Response to Comment 69-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Policy. Gerstle Park”.

Response to Comment 69-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Policy”.

Response to Comment 69-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Policy. Short School Site”.

Response to Comment 69-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Policy. NH-119X”.

RESPONSE TO LETTER 70 – ANDREA ENEIDI, GERSTLE PARK NEIGHBORHOOD ASSOCIATION

Response to Comment 70-1

See Response to Letter 69-1.

RESPONSE TO LETTER 71 – PUBLIC HEARING PRESENTATION; THE MARIN ECONOMIC COMMISSION, THE COMMUNITY DEVELOPMENT AGENCY

Response to Comment 71-1

The information presented in this comment was submitted to the Planning Commission, no additional response is necessary.

RESPONSE TO LETTER 72 – PUBLIC HEARING PRESENTATION NOTES, 2/10/04 (UNKNOWN AUTHOR)

Response to Comment 72-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 73 – PUBLIC HEARING PRESENTATION NOTES, 2/10/04 (UNKNOWN AUTHOR)

Response to Comment 73-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82”.

RESPONSE TO LETTER 74 – ANDREA ENEIDI, GERSTLE PARK NEIGHBORHOOD ASSOCIATION

Response to Comment 74-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Policy NH-119 (Pedestrian Linkages)”.

Response to Comment 74-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-119a (Pedestrian Improvements)”.

Response to Comment 74-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119b. Bicycle Improvements.”.

Response to Comment 74-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119c. Traffic Improvements.”.

Response to Comment 74-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Policy NH-119 (Pedestrian Linkages)”.

Response to Comment 74-6

See Response to Comment 74-2.

Response to Comment 74-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119b. Bicycle Improvements.”.

Response to Comment 74-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119c. Traffic Improvements.”.

**RESPONSE TO LETTER 75 – PATRICK J. MURPHY, ET AL., THE EXECUTIVE
STEERING COMMITTEE, LINCOLN-SAN RAFAEL HILL
NEIGHBORHOOD ASSOCIATION**

Response to Comment 75-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-2 (New Development in Residential Neighborhoods)”.

Response to Comment 75-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-3 (Housing Mix)”.

Response to Comment 75-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-4 (Improve Property Maintenance)”.

Response to Comment 75-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-6 (Bicycle and Pedestrian-Friendly Streets)”.

Response to Comment 75-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-7 (Neighborhood Identity and Landmarks)”.

Response to Comment 75-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-5 (Safe Streets)”.

Response to Comment 75-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Vision of Lincoln/ San Rafael Hill”.

Response to Comment 75-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under INFRASTRUCTURE ELEMENT, “I-6 (Street Maintenance)”.

Response to Comment 75-9

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-9 (Nuisance Vehicles)”.

Response to Comment 75-10

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-10 (Neighborhood Centers)”.

Response to Comment 75-11

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-11 (Schools)”.

Response to Comment 75-12

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Vision of Lincoln/San Rafael Hill” and “NH-12 (Religious Institutions, Educational Facilities and other Community Organizations)”.

Response to Comment 75-13

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Vision of Lincoln/San Rafael Hill”.

RESPONSE TO LETTER 76 – LILLIAN HAMES, SONOMA MARIN AREA RAIL TRANSIT DISTRICT

Response to Comment 76-1

Based on this comment the text beginning on page IV.2 - 18 of the Draft EIR is revised as follows:

Rail Facilities

The Counties of Marin and Sonoma established the SMART (Sonoma-Marín Area Rail Transit) Commission in 1995 to advance the development of a regional rail transit system through joint planning efforts, grant applications, and community outreach efforts. In early 2003, the SMART Commission, Northwestern Pacific Railroad Authority, and the GGBHTD were consolidated into a single rail district, the SMART District, governed by 12 appointed directors. SMART is evaluating multimodal service along the 101 corridor, including commuter rail service ~~trains are proposed to serve to~~ 14 stations, five of which would be in Marin County and two in San Rafael. The service would use the rail right-of-way formerly owned by the Northwestern Pacific Railroad Authority (NWPRÁ) and the North Coast Railroad Authority (NCRA). Currently, the project is not fully funded.

A draft Environmental Impact Report (EIR), Environmental Impact Statement (EIS) and Alternatives Analysis (AA) is being prepared to evaluate potential impacts of ~~seven~~ nine alternatives. The SMART EIR/EIS/AA is evaluating ~~looking at four~~ a 75-mile corridor alternatives (the other three alternatives include no build, bus and express bus ~~are for increased bus service~~), ~~from Cloverdale to a ferry terminal~~ The commuter rail alternatives include:

- Larkspur to Cloverdale
- San Quentin to Cloverdale
- San Rafael to Cloverdale + Port Sonoma link
- San Rafael to Windsor

The ~~draft DEIR/EIS/AA~~ is evaluating the preferred commuter rail vehicle impacts based on several vehicle options: traditional locomotive, and the diesel multiple unit/mixed use vehicles. Initial operations would consist of 30- minute headways (i.e., one train every half hour) during peak hours, timed to meet bus service in San Rafael. There would be 12 to 16 trains per day, with a projected total daily ridership of 5,100 people. The train would run along the existing rail alignment, except for the section between Downtown and the ferry terminus, where three alternatives are under development for the Draft EIR: one on the existing tracks to the Larkspur ferry and two alternatives to a waterfront site at San Quentin prison. The SMART project includes a continuous parallel (to the extent possible) bicycle/pedestrian path. The Class I path (12 foot width) would parallel the rail corridor and provide direct access to all 14 rail stations be a minimum of 15 feet.

The rail alignment will include replacement of an Anderson Drive crossing to access the proposed ferry terminal sites. train facilities will result in a new rail bridge crossing at Andersen Drive (for the segment between Downtown and the ferry) to separate rail cars from the road. This may include a minorThere are three alternatives, including one with a realigned realignment of Andersen Drive, currently under review. Additionally, the CalPark Tunnel at the southern edge of the City limits will be upgraded/rebuilt. (The Puerto Suello Tunnel adjacent to Highway 101 is structurally sound.) Conceptual designs are being prepared for all proposed rail stations including the Civic Center and Downtown San Rafael stations. All grade crossings would include crossing protection equipment. The first phase of SMART operations includes service from San Rafael to Windsor (estimated cost is \$154 million construction; \$11 million/year for operations and maintenance). Incremental expansion would occur as funding becomes available to complete the project. The project is currently estimated to cost \$220-268 million for construction, with annual operating costs estimated at \$9 - \$11 million for constructions, and \$13 million/year for operations and maintenance.

The ~~draft DEIR/EIS/AA~~ is scheduled for release in the fall of mid-2004, and certified in the winter of 2005. The vote on the sales tax for SMART is now anticipated to occur in 2006. If funding is approved, operations could begin ~~in 2007~~ as soon as 2008.⁵

The City's traffic analysis for city streets does not anticipate a mode shift, nor does it analyze at-grade crossing affecting city streets. The Marin County's traffic model for highways 101 and 580 includes rail ridership.

RESPONSE TO LETTER 77 – TYMBER CAVASIAN

Response to Comment 77-1

The commentor's concern's related to timing, funding, and the State's involvement in the planning process plus the need for a "timing mechanism" is noted.

⁵ City of San Rafael communication with Matt Stephens, consultant to SMART, June 28, 2004.

The commentor expresses concern with the reliance upon the Marin Municipal Water District's (MMWD) proposed desalination plant to mitigate water supply impacts. As noted on page IV.5 - 25 of the Draft EIR, the MMWD is exploring other means to eliminating the existing and projected future water deficits, including recycled water and a new water storage tank. While the desalination project was mentioned in the text of Mitigation Measure IV.5-12(a), these other projects were inadvertently omitted. Based on these comments, the text of Mitigation Measure IV.5-12(a) is revised to include reference to these projects, as follows:

Mitigation Measure IV.5-12(a) In order to meet the projected water demand and reduce existing and projected water supply impacts the MMWD shall:

- Continue to research water conservation opportunities;
- Research new water supply sources; and
- Construct the necessary facilities or infrastructure improvements.

As explained above, the MMWD has begun the planning process for a desalination plant and has researched funding opportunities. Potential startup would be in 2007. MMWD is also in the process of exploring additional opportunities to partner on water recycling with the Las Gallinas Valley Sanitary District, and has aggressive water conservation programs in place. These programs shall be continued.

Response to Comment 77-2

The commentor is correct that the EIR identifies several significant impacts and several of these will remain significant unavoidable impacts. Prior to adopting *General Plan 2020* the City Council will be required to adopt findings for each significant impact identified in the EIR. For each significant impact the City Council must make one of the following findings:

- Changes in the project have been made to avoid or substantially reduce the magnitude of the impact.
- Changes to the project are within another agency's jurisdiction and have been or should be adopted.
- Specific economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible.

In addition, for each unavoidable significant impact the City Council will be required to adopt a Statement of Overriding Considerations which explains why the City is willing to accept the significant effect. In this way the City Council is required to balance the benefits of adopting *General Plan 2020* against the unavoidable significant impacts.

Response to Comment 77-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, "Housing Policies and Programs".

Response to Comment 77-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, "Housing Element".

RESPONSE TO LETTER 78 – JANA HAEHL, MARIN CONSERVATION LEAGUE

Response to Comment 78-1

The commentor expresses support for Policy **NH-82 Canalways**, and the protection of wildlife habitat on the Canalways property. Comment noted.

Response to Comment 78-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-90 (Parks and Recreation)”; and under PARKS AND RECREATION ELEMENT, “PR-9a (New Parks)”.

Response to Comment 78-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-9 (New Parks) (a. Bellam/Windward Way site)”.

Response to Comment 78-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-87 (Cal-Pox Site)”.

RESPONSE TO LETTER 79 – HOWARD COHN

Response to Comment 79-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment 79-2

The geotechnical evaluation of the site in the project EIR for the Loch Lomond Marina Village project will include site borings to determine the quality of existing fill and the degree of compaction necessary for construction of buildings and utilities.

RESPONSE TO LETTER 80 – CHRISTOPHER M. PETERSON

Response to Comment 80-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Traffic Survey”.

Traffic analysis along Pt. San Pedro Road east of Union Street was considered in both *Draft General Plan 2020* and the Draft EIR. As shown in Exhibit VIII.3-4 of the Draft EIR Appendix the level of service at the Pt. San Pedro /Lochinvar intersection (the only signalized intersection east of Union Street) currently operates at LOS A and is expected to continue to operate at LOS A with *General Plan 2020*.

<i>Peak Hour</i>	<i>Existing</i>	<i>Baseline</i>	<i>General Plan 2020 w/o Improvements</i>	<i>General Plan 2020</i>
AM	A	A	A	A
PM	A	A	A	A

Source: San Rafael Department of Public Works, January 2004.

Unsignalized intersections east of Union Street include the neighborhood collector streets along Pt. San Pedro Road, such as Marina Blvd., Margarita Drive, Manderly Road, Knight Drive, and Riviera Drive. All unsignalized intersections east of Union Street operate at LOS C or better; these are not projected to warrant signalization with *General Plan 2020*.

RESPONSE TO LETTER 81 – NORMAN P. JENSEN

Response to Comment 81-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

RESPONSE TO LETTER 82 – ALAN Y. SCHAEVITZ

Response to Comment 82-1

The exact point of this comment is not clear. As correctly noted in the comment safety is not included in the measures that establish levels of service. Exhibit IV.2-2 presents a description of traffic flow characteristics at each level of service. *Draft General Plan 2020* policy **C-4 Safe Roadway Design** is proposed to insure safe roadway design and states in part: “In order to maximize safety and multimodal mobility, the City Council may determine that an intersection is exempt from the applicable intersection level of service standard where it is determined that a circulation improvement is needed for public safety considerations, including bicycle and pedestrian safety, and /or transit use improvements”. Use of policy C-4 would allow an intersection to be exempt from its applicable intersection level of service, it would not, however, change its calculated level of service.

In response to this and other comments on *Draft General Plan 2020* the Planning Commission recommends that a new implementing program for policy C-4 be added as follows:

C-4a. **Appropriate LOS Standards.** At the time City Council approves a roadway improvement and safety exemption from the applicable LOS standard, the appropriate LOS will be established for the intersection.

Response to Comment 82-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 83 – TIGHE O’SULLIVAN, MARIN ATHLETIC COALITION, FOOTBALL CLUB OF MARIN

Response to Comment 83-1

Comment noted. Based on the information in Master Response D – Canalways regarding wetlands and the salt marsh harvest mouse at the Canalways property, no changes to *Draft General Plan 2020* land use designations are recommended.

RESPONSE TO LETTER 84 – SUSAN R. LYNN

Response to Comment 84-1

The commentator’s opinion is noted. See Master Response A – San Rafael Rock Quarry regarding the current status of the quarry.

Response to Comment 84-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”; and also see Master Response C – Loch Lomond.

Response to Comment 84-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Travel times on Pt. San Pedro Road”.

Response to Comment 84-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 85 – SUSAN R. LYNN

Response to Comment 85-1

Comment noted. The Planning Commission held public hearings on the Neighborhoods Element on February 10, February 24 and March 23, 2004. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process comment”.

RESPONSE TO LETTER 86 – SARA L. JENSEN

Response to Comment 86-1

The commentator expresses concern about sections of *Draft General Plan 2020* that refer to the Loch Lomond Marina area. Master Response C – Loch Lomond discusses the impacts of *Draft General Plan 2020* in the Loch Lomond Marina, and particularly the specific development application that has been filed in that area.

It should also be noted that numerous proposed general plan policies will affect future development in the Loch Lomond Marina area. For example, potential flooding impacts are addressed in Impacts *IV.10-5 Tidal Flooding* and *IV.10-7 Exposure of People or Structures to Flooding Hazards*, in the Draft EIR. It was determined by the EIR hydrologist that such impacts could be reduced through the implementation of flood control improvements as recommended in policies **NH-52 Canal Maintenance**, **NH-55 Flood Control Improvements**, **S-15 Flood Protection of New Development**, **S-17 Levee Upgrading**, and **S-18 Rise in Sea Level**, and programs **NH-52a Dredging Program**, **NH-55a Flood Control**, **S-15a Title 18 Flood Protection Standards**, **S-17a Levee Improvement**, **S-17b Levee Maintenance Funding**, and **S-18a Rise in Sea Level**. As explained on page IV.10 - 13 of the Draft EIR, the centerpiece *Draft General Plan 2020* policy affecting the exposure of new development to flood hazards is policy **S-15 Flood Protection of New Development** and its companion programs. This would revise the City flood protection standards to assure that new development would not be exposed to flood hazards.

Impacts related to construction on fill are addressed in Impacts *IV.9-1 Seismic Ground Shaking*, *IV.9-2 Seismic Related Ground Failure*, and *IV.9-4 Subsidence*. It was determined by the EIR geologist that impacts related to construction on fill could be reduced through the implementation of numerous *Draft General Plan 2020* policies and programs, as outlined in the discussions for Impacts *IV.9-1*, *IV.9-2*, and *IV.9-4*. In particular, policies **S-1 Location of Future Development**, **S-4 Geotechnical Review**, **S-5 Soils and Geologic Review**, and **S-7 Seismic Safety of New Buildings** would reduce potential impacts to new development on fill. These policies would require geotechnical, geologic, and engineering review of development proposals to assure that new development would be able to withstand earthquake stresses.

RESPONSE TO LETTER 87 – ALBERT BARR, LOCH LOMOND MARINA COMMITTEE

Response to Comment 87-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses” and “NH-121 (Loch Lomond Marina) – Design”.

RESPONSE TO LETTER 88 – JEANNE EMMONS COHN

Response to Comment 88-1

This is a comment on the Loch Lomond Marina Village project which is currently undergoing a separate environmental review. For more information see Master Response C – Loch Lomond.

Response to Comment 88-2

See Response to Comment 88-1.

Response to Comment 88-3

If mitigation were proposed to occur by a levee as a result of individual project impacts, the mitigation site would be thoroughly evaluated during the CEQA process of that particular project. The natural resources of the area would be evaluated and taken into consideration before mitigation could occur.

Response to Comment 88-4

The commentor noted existing flooding concerns at Pt. San Pedro Road. The flooding that occurs periodically in the Loch Lomond area is typically the result of high tides and coincident watershed runoff. However, a few times each year the tidal higher high water elevation exceeds that of the roadway at certain locations along Pt. San Pedro Road and/or creates backwater flooding upslope of roadway culverts. Since the alignment of storm drains and natural channel segments that convey watershed runoff under Pt. San Pedro Road to San Rafael Bay runs to either side (east or west) of the proposed Loch Lomond Marina Village development, the fill associated with the project would not have a discernible effect on local flow patterns or the occurrence of backwater flooding in the nearby communities. The increased impervious cover incorporated into the project would slightly increase the volume of runoff entering the bayside reaches of these storm drains/channels. However, due to its position at the watershed outlet, the project would not affect the time of concentration for runoff, nor would it influence the frequency or magnitude of existing flooding. It would also not improve the existing flooding conditions.

Response to Comment 88-5

See Response to Comment 77-1 regarding water supply.

Response to Comment 88-6

Comment noted. Traffic impact analyses will be an important part of future environmental documents for proposed development using Pt. San Pedro Road. As described in Master Response C – Loch Lomond an EIR will be prepared for the proposed development at the Loch Lomond Marina.

RESPONSE TO LETTER 89 – DIANE M. HENDERSON, DMH LAND USE PLANNING

Response to Comment 89-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-87 (Cal-Pox Site)”.

RESPONSE TO LETTER 90 – SANDRA SELLINGER, MARIN RELEAF

Response to Comment 90-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under INFRASTRUCTURE ELEMENT, “New Policy I-7X (Urban Forest) [former CD-20]”.

RESPONSE TO LETTER 91 – JEAN STARKWEATHER, MARIN CONSERVATION LEAGUE

Response to Comment 91-1

Comment noted, no additional response necessary. See Master Response D – Canalways for a discussion of the wetlands at the Canalways.

Response to Comment 91-2

Comment noted, no additional response necessary.

RESPONSE TO LETTER 92 – CHARLES P. SEMPLE, MAI

Response to Comment 92-1

See Master Response D – Canalways for a discussion regarding habitat for the salt marsh harvest mouse at the Canalways.

RESPONSE TO LETTER 93 – DONNA HANNA

Response to Comment 93-1

The commentor noted the extent to which the current owners of the Canalways property have allowed destructive behavior to occur onsite. Commentor expressed support for protecting the property as open, undeveloped land. Comments noted.

RESPONSE TO LETTER 94 – PETITION REGARDING PEDESTRIAN SAFETY, SAN RAFAEL COMMONS SENIOR LIVING DEVELOPMENT & VARIOUS

Response to Comment 94-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 95 – PETITION, VARIOUS

Response to Comment 95-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-12 (School Site Reuse or Redevelopment)”.

RESPONSE TO LETTER 96 – JANISE HARMON, CANAL PROPERTY AND BUSINESS OWNERS ASSOCIATION

Response to Comment 96-1

The commentor expressed concern regarding *Draft General Plan 2020* land use designation of part of the Canalways property as “Conservation”. Commentor also expresses support for allowing the site to be used as a dredge disposal site. It should be noted that there is no approved plan to use a portion of the Canalways property for dredge spoils. See also Master Response D – Canalways; and *Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”. See also Master Response D – Canalways.

RESPONSE TO LETTER 97 – BRUCE D. BAJEMA

Response to Comment 97-1

The commentor’s opinion is noted.

**RESPONSE TO LETTER 98 – NINA LILIENTHAL-MURPHY, LINCOLN-SAN RAFAEL HILL
NEIGHBORHOOD ASSOCIATION**

Response to Comment 98-1

The noise increases predicted in the Draft EIR for US 101 include the effects of the Gap Closure Project and the future development anticipated in *Draft General Plan 2020*. Since the increase in traffic noise on US 101 and other roadways was found to be less than 3 dBA, the impact would be less-than-significant and no mitigation would be required.

Caltrans is applying its noise abatement policies as part of the US 101 HOV Gap Closure Project. The City of San Rafael will be coordinating with Caltrans regarding the proposed freeway noise abatement as per proposed policy **N-6c Coordination with Local and State Agencies**. *Draft General Plan 2020* also contains program **N-6f Widening of US 101 and I-580** which would encourage the use of sound-absorptive treatments on existing and future noise barriers if they can be shown to be effective.

Although Caltrans and the Marin Congestion Management Agency have committed to further evaluate the highway noise issue in San Rafael,⁶ the EIR preparers are not aware that the US 101 HOV Gap Closure Project Traffic Noise Impact Report has been found to be “inadequate” by any court or government agency.

Response to Comment 98-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-120 (Lincoln Avenue)”.

Response to Comment 98-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-120 (Lincoln Avenue)”; and under CIRCULATION ELEMENT, “C-7 Exhibit 19. (Major Planned Circulation Improvements)”.

Response to Comment 98-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Appendix B, Housing Background”; NEIGHBORHOODS ELEMENT, “NH-120 (Lincoln Avenue)”.

Response to Comment 98-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Adersen)”.

⁶ Marin 101 HOV Lane Gap Closure FEIS/R, Caltrans District 4, January 2000.

RESPONSE TO LETTER 99 – FRED C. GRANGE

Response to Comment 99-1

See Master Response D – Canalways and *Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 100 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 100-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 101 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 101-1

The commentor states in this comment and in several other comments (for example see letters 38, 50, and 96) that he believes that the Canalways property would be a suitable location to deposit dredge materials, especially from the San Rafael Canal.

The Corps of Engineers administers flood protection work under the 1923 San Rafael Creek Project which is subject to congressional authorization. Under the maintenance provisions of the project, the Corps conducts dredging of accumulated sediments in both the “across-the-flats” reach and the upper “canal” reach of the Creek. The dredging on the across-the-flats reach occurs on roughly four-year cycles, while dredging on the canal reach occurs every seven years. Both of these scheduled maintenance dredgings were completed in the last couple of years.⁷

Typically, the dredge material is deposited in one of two approved in-bay sites. The most recent scheduled maintenance dredging of the canal reach was postponed while an upland disposal site was found for the contaminated sediments that were discovered by the mandatory toxicity testing. These sediments were ultimately hauled to an approved disposal site at Winter Island in the San Francisco-San Joaquin Delta. This maintenance dredging is part of the ongoing flood control and navigation maintenance program for San Rafael Creek.⁸

In this letter and others submitted by the commentor, the commentor discusses the Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS). As a part of the LTMS an interagency Dredged Material Management Office (DMMO) was

⁷ Clearwater Hydrology (EIR hydrologist) communication with Scott Schneider, City of San Rafael, Dept. of Public Works, May 2004.

⁸ Clearwater Hydrology (EIR hydrologist) communication with Scott Schneider, City of San Rafael, Dept. of Public Works, May 2004.

established.⁹ One purpose of the DMMO was to streamline the application and permitting process for dredging and disposal projects. The DMMO is made up of representatives from five agencies (U.S. Army Corps of Engineers [USACOE], Bay Conservation and Development Commission [BCDC], San Francisco Bay Regional Water Quality Control Board [SFBRWQCB], U.S. Environmental Protection Agency [USEPA], and State Lands Commission [SLC]).

The DMMO serves as a single point of entry for applicants to the dredging and disposal permitting process. The DMMO uses a single permit application form that meets the requirements of its member agencies, and makes consensus-based recommendations to these agencies on completeness of permit applications, adequacy of sampling and analysis plans, and suitability of sediments for disposal.

Section 6 of the Consolidated Dredging-Dredged Material Reuse/Disposal Application requests proposed upland, wetland or reuse disposal site information. If the commentor's intent is to use the Canalways property as a disposal site information regarding the site would be included in section 6 of the application.

It should be noted that part of the documentation required of DMMO permit applicants is evidence that proposed projects meet the provisions of the Californian Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). It should also be noted that the DMMO is a permit application review body only; the member agencies issue the actual permits. These permits often contain conditions to ensure dredging, disposal, and reuse activities are carried out in a manner consistent with each approval. A concern with upland disposal is the potential for the conversion or loss of existing habitat.

In regard to the use of the Canalways property for the disposal of dredge materials, agencies that may have discretionary approvals include the USACE, BCDC, RWQCB, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the City of San Rafael. The Canalways is currently zoned Planned Development with a Wetland Overlay district. Disposal of dredge material on the site would require a Use Permit from the City for the fill material plus conformance with the City's development regulations for the Wetlands Overlay zoning district (section 14.13.040). Additionally, the City's consideration of such a permit application would require the City to determine whether the use is consistent with the General Plan.

The commentor notes the potential beneficial reuse of dredge material. Dredged material from the Bay can be used for wetland restoration, levee reconstruction, and in-Bay habitat creation. The LTMS notes that the success of its program depends heavily on the availability of beneficial reuse and upland disposal options. The *Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region Policy Environmental Impact Statement/Programmatic Environmental Impact Report (LTMS EIS/EIR)* identified 21 existing and potential beneficial reuse and upland disposal sites in the San Francisco Bay area. The Canalways is not included among the 21 sites. The two nearest sites to San Rafael are Hamilton Army Airfield & Antenna Field, Bel Marin Keys and the Port Sonoma Marina.

The designation of a portion of the Canalways as Conservation would not automatically eliminate the site as a potential uplands dredge disposal site. It would, however, be the property owner's

⁹ Information regarding the LITM is primarily from the *Final LTMS Management Plan*, Jul y2001 and Nichols • Berman conversation with Steve Goldbeck, Assistant Executive Director, BCDC, June 2004.

responsibility to secure the necessary permits to allow such disposal. The LTMS provides a framework to assist the property owner in the pursuit of the necessary permits.

RESPONSE TO LETTER 102 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 102-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”. See also Master Response D – Canalways and Response to Comment 101-1.

RESPONSE TO LETTER 103 – FRANK M. HALL

Response to Comment 103-1

See Response to Comment 101-1 for a discussion of the use of the Canalways property as a dredge disposal site.

RESPONSE TO LETTER 104 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 104-1

CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies, unless an exemption applies. Contrary to the commentor’s question, CEQA does not apply to activities not proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies.

Response to Comment 104-2

See Response to Comment 101-1 for a discussion of the use of the Canalways property for the disposal of dredge material.

Response to Comment 104-3

The commentor’s opinion is noted. As discussed in the Introduction to *Draft General Plan 2020* the City used an extensive public participation process to prepare *Draft General Plan 2020*.

Response to Comment 104-4

See Response to Comment 104-1.

RESPONSE TO LETTER 105 – LYNN MASON

Response to Comment 105-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 106 – LYNN MASON

Response to Comment 106-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-25 (Second Units)”.

RESPONSE TO LETTER 107 – LYNN MASON

Response to Comment 107-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18a (Efficient use of Multifamily Housing Sites)”.

RESPONSE TO LETTER 108 – RICAHRD SWIDERSKI

Response to Comment 108-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 109 – MARK AND DONNA SABERMAN

Response to Comment 109-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 110 – JEAN SWARD

Response to Comment 110-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 111 – JOE NATION, CALIFORNIA STATE ASSEMBLY

Response to Comment 111-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-24b (Canal Crossing)”.

RESPONSE TO LETTER 112 – LEE S. BUCKNER

Response to Comment 112-1

Comment noted. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process comment”.

RESPONSE TO LETTER 113 – DENISE MITIDIERI

Response to Comment 113-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 114 – DAVE BONFILIO

Response to Comment 114-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 115 – RUTH J. KAPLAN

Response to Comment 115-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 116 – JAMES HERSHON

Response to Comment 116-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 117 – THOMAS SOWA

Response to Comment 117-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 118 – ALBERT BARR, LOCH LOMOND HOMEOWNERS ASSOCIATION

Response to Comment 118-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

Regarding the suggested pedestrian overcrossing option, the cost due to ADA requirements (an elevator would be needed for handicapped access) is prohibitive compared with the planned intersection improvements. Additionally, an overcrossing would not improve the current delays out of Montecito Shopping Center and turning left from Third Street onto Union Street.

Response to Comment 118-2

As a part of the environmental impact report for the Loch Lomond Marina mixed-use development project a site specific noise study will be required to determine the mitigation measures required to meet the city’s outdoor and indoor noise standards. The environmental document for the project will also need to address the potential for increased noise on the adjacent land uses.

Policy **N-5 Traffic Noise from New Development** requires that reasonable mitigation measures be incorporated into a project if it causes significant traffic noise increases at existing residences. Although traffic noise increases are usually the result of traffic volume increases, the effect of acoustical reflections from sound walls could be addressed by this policy.

The noise contours take into account the quarry trucks on Pt. San Pedro Road (see Master Response E – Noise). The noise from infrequent emergency vehicles does not normally affect the L_{dn} .

Response to Comment 118-3

See response to Comment 118-2.

Response to Comment 118-4

The City’s noise contours and policies use the Day/Night Average Sound Level (L_{dn}) which is an average over a 24-hour period. Therefore, the L_{dn} places greater weight on noise during the evening and early morning hours.

Response to Comment 118-5

The development application for the Loch Lomond Marina project does propose to retain existing marina facilities, including the yacht club and boat report facility, but proposes to reduce the area for dry boat storage and vacant parking areas for boat trailers. The project environmental impact report will assess an appropriate amount of marina parking and boat trailer parking to accommodate maximum use of the launch ramp and the effects of reducing dry boat storage.

In response to this and similar comments the Planning Commission recommends that the first bullet of policy **NH-121.a Loch Lomond Marina** be revised as follows:

Marine and support facilities, with boat berths, a public boat launch, boat trailer parking, ~~dry boat storage~~, a yacht club, ~~and~~ boat retail and services and other water-based recreation.

Response to Comment 118-6

Environmental impact reports focus on changes to the physical condition within an area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself is not considered a significant effect on the environment. Public opinion or controversy alone does not result in a project impact being considered a significant environmental impact. The controversy must be related to the project's physical environmental effects.

During public hearings, city decision makers (Planning Commission and City Council) will consider public opinion prior to making a decisions regarding *General Plan 2020*.

Response to Comment 118-7

See Response to Comment 118-6.

Response to Comment 118-8

The reduction in Marine-Related acreage occurs at Loch Lomond Marina, where the Marine-Related designation was replaced in part by the Conservation and Neighborhood Commercial land use districts.

Response to Comment 118-9

The EIR identifies potential impacts to the physical environment, which are not always directly related to City residents' quality of life. In this case, the commentor is concerned about a specific project's contribution to the six Public Services impacts that are identified as Significant and Unavoidable. Determining the contribution of a specific project (in this case development at the Loch Lomond Marina) to each significant unavoidable impact is beyond the scope of a Program EIR. It should, however, be noted that Significant and Unavoidable impacts in the Public Services section were identified for situations where new facilities are currently needed but sites have not yet been identified (*Impacts IV.5-6 Police Services, IV.5-8 Parks, IV.5-9 Library Services, IV.5-11 Wastewater Treatment Capacity – South of Puerto Suello Hill, and IV.5-12 Water Supply*) or the mitigation is beyond the jurisdiction of the City of San Rafael. In these situations, analysis of the potential impacts of the development of the needed facilities is considered to be speculative and beyond the scope of a Program EIR. It would also be speculative to determine that future development in San Rafael would add to these impacts such that they would deteriorate City residents' quality of life.

Response to Comment 118-10

It is possible that development pursuant to *Draft General Plan 2020* could adversely impact views from some private residences. The City has previously considered the possibility of a policy protecting private views. Private view protection is a prohibitive task because of the difficulty of defining which views to preserve given San Rafael's varied topography, the interest in tree preservation, the cost of administration, and the conflict between private interests and the public good. The City has determined that, alternatively, identifying and preserving, where possible, views from the public vantage points and views enjoyed by the larger community (and not a few property owners), are important for the image of the City and should be recognized by City policy. The City, therefore, does not consider impacts to private views to be significant within the context of CEQA.

Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. Additionally, California landowners do not have a

right of access to air, light and view over adjoining property. The City, as the lead agency for CEQA purposes, has the discretion to determine whether to classify an impact described in an EIR as “significant,” depending on the nature of the area affected. (CEQA Guidelines, § 15064.) In exercising its discretion, the City must necessarily make a policy decision in distinguishing between substantial and insubstantial adverse environmental impacts. In this case, the City has determined that impacts to private views are not a significant impact.

Based on this comment page IV.7 - 3 of the Draft EIR is revised to include the following paragraph after the first discussion paragraph of *Impact IV.7-1 Scenic Resources*:

It is also possible that development pursuant to *Draft General Plan 2020* could adversely impact views from some private residences. Private view protection is a prohibitive task because of the difficulty of defining which views to preserve given San Rafael’s varied topography, the interest in tree preservation, the cost of administration, and the conflict between private interests and the public good. The City has determined that identifying and preserving, where possible, views from the public vantage points and views enjoyed by the larger community (and not a few property owners), are important for the image of the City and should be recognized by City policy. The City, therefore, does not consider impacts to private views to be significant within the context of CEQA.

Response to Comment 118-11

Policy NH-121 Loch Lomond Marina has been modified. See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”.

The commentor suggests that height bonuses should not be provided in mixed use development where views from surrounding neighborhoods might be negatively impacted. *Draft General Plan 2020* policy **CD-5 Views** would help to reduce impacts to views of scenic resources by respecting and enhancing views of the Bay and its islands from public streets and parks. Policy **CD-6 Hillside and Bay** would also protect the visual identity of the hillsides and Bay by controlling development within these areas. As explained above, the City does not have a policy of protecting private views and does not consider impacts to private views to be significant for CEQA purposes.

Response to Comment 118-12

The commentor expressed concerns regarding the impact of heavy truck traffic on nearby buildings built on expansive soil and fill. Soft bay mud and unconsolidated alluvium soil deposits tend to transmit and amplify ground motions more than firm soil areas. These soft soil conditions exist in the Loch Lomond area, Peacock Gap neighborhood, and along the bay margin in the northeastern and southeastern portion of the Planning Area, as shown in Exhibit B-13 in the *Background Report*. Vibrations from heavy trucks on rough or uneven pavement are often felt in these soft soil areas. These vibrations are rarely strong enough to cause any structural damage to buildings. Vibrations from truck traffic would therefore be considered a less-than-significant impact. Some cities are starting to utilize rubberized asphalt overlays on the streets to smooth the surface and reduce vibrations.

RESPONSE TO LETTER 119 – PATRICK J. & NINA L. MURPHY

Response to Comment 119-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NOISE ELEMENT, “Sources (Noise)”.

This report summarizes the results of extensive noise monitoring in the residential neighborhoods near US 101 in San Rafael and Greenbrae.

RESPONSE TO LETTER 120 – ROGER E. ROBERTS

Response to Comment 120-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-3 (Neighborhoods)”.

Response to Comment 120-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-11 (Nonresidential Design Guidelines)”.

RESPONSE TO LETTER 121 – PHILLIP THOMAS

Response to Comment 121-1

Commentor expresses support for policy **NH-82 Canalways**. Comment noted.

RESPONSE TO LETTER 122 – CHANDRA MURPHY, GERSTLE PARK NEIGHBORHOOD ASSOCIATION

Response to Comment 122-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Gerstle Park”; under CIRCULATION ELEMENT, “C-5B. Arterial LOS” and “Traffic Coordinating Committee”; and under CULTURE AND THE ARTS ELEMENT, “CA-14 (Historic Buildings and Areas)”.

RESPONSE TO LETTER 123 – JIM GONSMAN

Response to Comment 123-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

RESPONSE TO LETTER 124 – JACKIE SCHMIDT, MONTECITO AREA RESIDENTS’ ASSOCIATION

Response to Comment 124-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

RESPONSE TO LETTER 125 – CHRISTOPHER M. PETERSON

Response to Comment 125-1

The commentor is incorrect that any development east of the Third and Union intersection will lower the LOS to E at Third and Union. As shown in Exhibit IV.2-12, the intersection is expected to remain at acceptable levels (LOS D) with development projected pursuant to *Draft General Plan 2020*. However, with planned modifications to the intersection to make it safer for pedestrians, the LOS will change. *Impact IV.2-3* states that the change in the level of service from acceptable (LOS D in the PM peak hour) under baseline to an unacceptable level of service (LOS E in the PM peak hour) with *General Plan 2020* would be a significant impact. Note that the development proposal for nine units mentioned in the comment letter would cause an increase of delay at Third and Union but it is not enough of an increase to cause the LOS to change from D to E.

Response to Comment 125-2

In regard to *Impact IV.1-2* the commentor states that any changes to development consistent with *General Plan 2020* will not reduce potential conflicts between new and existing uses including design and traffic conflicts. The Draft EIR acknowledges that development consistent with *Draft General Plan 2020* would result in changes in land use type, density, scale, and character in numerous city neighborhoods. However, it is not correct that **any** change would result in a significant adverse impact. As discussed in the significance criteria the change would result in a significant adverse impact only if that change introduced new land uses or altered the intensity of existing land uses, which would be incompatible with the established land uses or the overall character of the surrounding neighborhoods. As discussed in *Impact IV.1-2 Incompatible Land Uses and Changes to Neighborhood Character* there are a number policies and programs in *Draft General Plan 2020* that would reduce the impacts of the anticipated changes in land use type, density, scale and neighborhood character to a less-than-significant level.

Response to Comment 125-3

The potential noise impact from increased traffic noise was found to be less-than-significant because the increase in noise level is less than the 3 dBA threshold of policy **N-5 Traffic Noise from New Development**. An increase of 3 dBA is generally considered a just noticeable difference in environmental noise.

Individual development projects such as the Loch Lomond Marina typically require their own noise analysis. *Draft General Plan 2020* has policies for minimizing noise impacts from such projects and requiring noise mitigation. This includes policy **N-6e Street Improvements** which encourages non-soundwall mitigation by pursuing feasible cost-effective paving technologies to minimize traffic noise.

Response to Comment 125-4

As noted on page IV.5 - 10 of the Draft EIR, the cost for the additional paramedic unit would be offset by the increased paramedic tax revenues generated by new development in the City. In communications with the City, the San Rafael Fire Department did not express any need for additional emergency vehicles in the near future.¹⁰

Response to Comment 125-5

The commentor expressed concern regarding *Impact IV.5-4 Hazardous Materials, Substances, or Waste Near Schools*. *Draft General Plan 2020* policies and mitigation measures to reduce the potential for a hazardous material release near schools and developing emergency response routes include: policies **S-9 Location of Public Improvements**, **S-11 Potential Hazardous Soils Conditions**, **S-12 Hazardous Materials Storage, Use and Disposal**, **S-13 Hazardous Waste Management**, **S-34 Emergency Connectors**, and Mitigation Measure IV.5-4. These policies and mitigation measures would significantly reduce the potential for a significant hazardous materials release and establish emergency connectors in the unlikely event that evacuation of a school is required. A further discussion of how these policies and this mitigation measure would reduce the potential impact is included on pages IV.5 - 13 to IV.5 - 14 of the Draft EIR. Implementation of *Draft General Plan 2020* policies and EIR mitigation measures would reduce the potential for a significant hazardous materials release near schools to a less-than-significant level. The commentor has not provided any evidence that the policies and Mitigation Measures discussed in the EIR would not mitigate the impact to a less-than-significant level.

Response to Comment 125-6

As explained on page IV.5 - 16 of the Draft EIR, the Significant and Unavoidable determination for *Impact IV.5-6 Police Services* is not due to the ability of the Police Department to adequately protect City residents. The new or expanded facilities are planned to enable the Police Department to house its operations and storage in one facility. Because a site has not yet been identified for the new or expanded facilities it would be speculative and beyond the scope of a Program EIR to determine the impact of the expansion or construction of those facilities.

Response to Comment 125-7

As explained on page IV.5 - 22 of the Draft EIR, the Significant and Unavoidable determination for *Impact IV.5-11 Wastewater Treatment Capacity – South of Puerto Suello Hill* is due to the potential for environmental impacts related to the construction of new facilities. Because designs have not been completed for the new or expanded wastewater treatment facilities, it would be speculative and beyond the scope of a Program EIR to determine the impact of the expansion or construction of those facilities. Funds for sanitation service improvements would be provided by customers of that district, as well as new construction within that sanitation district.

Response to Comment 125-8

It is unclear what specific voter legislation the commentor believes that the Marin Municipal Water District (MMWD) has failed to act upon. Measure V was passed in 1992. According to the

¹⁰ Steve Riggs, Fire prevention Inspector, San Rafael Fire Department, letter to City of San Rafael, December 5, 2003; and communication with City of San Rafael, January 2004.

MMWD¹¹ “Measure V was about developing a reliable and cost-effective long-term water supply. It identified a diverse "toolbox" of components, including greater conservation and recycling. The additional supply component preferred by the MMWD board at that time was a Russian River pipeline; desalination was thought to be too expensive. That's why the pipeline was presented in Measure V. In the 10 years since the passage of Measure V, serious questions have arisen regarding the reliability and cost (financial and environmental) of increasing our reliance on Russian River water. Meanwhile, the costs of desalination have dramatically declined. The MMWD board now believes desalination could be a better long-term investment than the pipeline and has therefore put the pipeline project on hold. Pursuing desalination instead of the pipeline is consistent with Measure V's mandate for a reliable, cost-effective supply.”

MMWD is preparing an environmental impact report (EIR) for a proposed desalination plant in Marin County. This plant would take water from San Rafael Bay, treat it to drinking water standards and distribute it to MMWD's customers. The proposed facility would be on MMWD owned land near Pelican Way in San Rafael. The purpose of the EIR is to evaluate all potential environmental impacts resulting from the proposed project and to identify ways to minimize or eliminate these impacts.

The initial schedule for release of the Draft EIR was the end of August, 2004. Since that schedule was prepared MMWD is now undertaking a new series of tests, the results of which will need to be folded into the Draft EIR. MMWD is now going to build a "pilot plant" that will need to operate for a minimum of four months, and possibly longer, in order to develop meaningful results. The pilot plant should become operational about October or November 2004, so that pushes the circulation of the Draft EIR to about February or March of 2005.¹²

The commentors assertion that an increased population would put additional pressure on the water supply is correct and is addressed in *Impact IV.5-12 Water Supply* on pages IV.5 - 23 to IV.5 - 27 of the Draft EIR. The description of the water supply as “ever-dwindling” is not correct. The sources of the water, as described on page IV.5 - 23, are 1) the MMWD watershed (surface water), 2) deliveries from SCWA, and 3) recycled water from the Las Gallinas Valley Water District (for use in irrigation and toilets only). The potential impacts related to the construction and use of a desalination plant are beyond the scope of a Program EIR. As discussed above, these impacts are being addressed by the environmental review of that project and comments regarding the removal of pollutants should be directed to the MMWD, which is the lead agency for that project.

Response to Comment 125-9

The commentor’s opinion is noted. As noted in Response to Comment 118-9, many of the impacts identified as Significant and Unavoidable have been identified as such because they relate to projects that are beyond the scope of a Program EIR, have not yet been designed, or are beyond the jurisdiction of the City of San Rafael. Please see Response to Comment 118-9 for more information regarding the Public Services impacts that were determined to be Significant and Unavoidable.

As discussed in Response to Comment 13-1 prior to adopting *General Plan 2020* the City Council will be required to adopt findings for each significant impact identified in the EIR. In addition, for each unavoidable significant impact the City Council will be required to adopt a Statement of Overriding

¹¹ MMWD website <http://www.marinwater.org>

¹² Email to Bob Berman from Eric McGuire, MMWD, June 2, 2004.

Considerations which explains why the City is willing to accept the significant effect. In this way the City Council is required to balance the benefits of adopting *General Plan 2020* against the unavoidable significant impacts.

RESPONSE TO LETTER 126 – CRAIG K. MURRAY

Response to Comment 126-1

The Commission approved the February 24th meeting minutes on March 9, 2004, before receipt of these comments dated March 23, 2004. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Correction to Planning Commission minutes”.

Response to Comment 126-2

The commentor requested further study of several of the Initial Study Checklist topics. However, no evidence is provided to indicate why further study would be warranted. The rationale why these items were determined to be of no impact or less-than-significant impact is provided in the Initial Study (see *Appendix VIII.1 Initial Study* in the EIR).

Response to Comment 126-3

As discussed in *Impact IV.5-5* there are hundreds of properties in San Rafael that have been identified as contaminated sites on one or more federal, state or local databases that track hazardous materials. As discussed in the Safety Element, the San Rafael Fire Department maintains detailed files of contaminated site characterizations, a database of Underground Storage Tank contaminated sites, and a working database of current facilities with hazardous materials. In addition, all Leaking Underground Storage Tank contaminated sites information is listed and updated on the State Geo Tracker database.

Using the San Rafael environmental database, Program **S-11a Potentially Haardous Soils Map** requires the development of a map showing sites with known soil and groundwater contamination. The map would be available to the Community Development Department in order to identify new developments that warrant environmental investigation and testing. The requirements for site-specific investigation of sites with known previous contamination are contained in the City’s Geotechnical Review Matrix.

Response to Comment 126-4

Effects analyzed under CEQA must be related to a physical change in the environment. Economic and social effects are not considered environmental effects under CEQA. Section 15131 of the CEQA Guidelines states that the evaluation of economic or social effect is generally treated as optional. Comment is on the merits of the project and not on the adequacy of the EIR.

Response to Comment 126-5

Each topic in the EIR has been coordinated to provide a consistent framework for discussions. The format for the topical analyses is explained thoroughly on page IV - 1 of the Draft EIR. Eleven topics are addressed in the 11 sections of *Chapter IV. Environmental Setting, Impacts, and Mitigation Measures*. Each section addresses one environmental topic. Furthermore, within the sections all impacts are numbered consecutively by topic. Mitigation measures are numbered to correspond to the

respective impacts. This same numbering system is used consistently throughout the document, including *Chapter II Summary*, and will be used in the Mitigation Monitoring Program and Statement of Findings when those are completed. Finally, *Section 1.7 Report Organization* provides more information regarding the organization of the report, including a matrix relating *Draft General Plan 2020* elements to the corresponding EIR environmental topic(s).

Response to Comment 126-6

Every effort has been made to assure that the EIR is consistent with other city and county documents, to the extent that is possible. The commentor has not provided any specific any inconsistencies therefore no corrections have been made.

Response to Comment 126-7

It is assumed that the commentor's reference to "San Rafael's J-H ratio" is a reference to the City's jobs/housing balance. Information regarding the number of jobs and the number of housing units in Marin County and the San Rafael Planning Area is discussed on page IV.1 - 5 of the Draft EIR. Additional information regarding jobs and housing is provided in the Housing Element Background Report. The secondary impacts of population and employment growth are described in *Section IV.5 Public Services and Utilities*.

Response to Comment 126-8

The commentor's question is unclear and without further explanation no response is possible.

Response to Comment 126-9

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOOD ELEMENT, "Loch Lomond introduction" and "NH-121 (Loch Lomond Marina) – Residential Density".

Response to Comment 126-10

The Loch Lomond Marina is outside of the San Rafael Redevelopment Project Area and there are no plans to add the marina to the Redevelopment Project Area. The San Rafael Redevelopment Agency was created in 1972 and is therefore not subject to the requirements of AB 315. As the Agency is not subject to AB 315, there is no requirement that the Agency produce any housing units inside or outside of the Redevelopment Project Area. The Agency is required to spend 20 percent of its funds on affordable housing. These funds can be spent inside or outside of the Project Area.

The Agency has no plans to assist affordable units at Loch Lomond and this project is not in the Agency Five Year Implementation Plan. While there is no Agency participation, the Loch Lomond development must meet the City's affordable housing requirements like all new development since 1986. The requirement is that 20 percent of for-sale units must be affordable to low and moderate income households.

Response to Comment 126-11

Exhibit IV.3-1 lists *Draft General Plan 2020* policies that are supportive of the Clean Air Plan Transportation Control Measures. Many of these policies support the City's efforts to implement bicycle and pedestrian improvements. In 2000 Marin County adopted the *Marin County*

Unincorporated Area Bicycle and Pedestrian Master Plan and in 2002 the City of San Rafael adopted the *San Rafael Bicycle and Pedestrian Master Plan*. The commentor is referred to these plans for examples of specific bicycle and pedestrian improvements that would be consistent with the referenced policies.

Response to Comment 126-12

Impact IV.5-7 Schools explains that the projected population growth resulting from *Draft General Plan 2020* would not be expected to increase the student population beyond the existing planned capacity or service standards. The impact of a specific development proposal is beyond the scope of this EIR and would be analyzed in the environmental review for that project.

Response to Comment 126-13

It is not clear what the commentor means by “Coastal Zone biological species”. Appendix VIII.4 provides lists of special-status animal and plant species that could occur in the San Rafael planning area.

Response to Comment 126-14

The discussion on page VI – 14 of the Draft EIR is a discussion of potential bicycle and pedestrian facilities and transit service impacts of implementing Alternative 2. Alternative 2 assumes that no new General Plan is adopted for the city, and future development would continue to be guided by the existing General Plan, *General Plan 2000*, and zoning. Under this alternative the City’s Bicycle and Pedestrian Master Plan adopted in 2002 would still be implemented. With implementation of the Bicycle and Pedestrian Master Plan and with continued residential and nonresidential development consistent with *General Plan 2000* a portion of the people associated with the additional development would walk and use bicycles. Thus there would be an increased demand for bicycle and pedestrian facilities.

Response to Comment 126-15

The point of this comment is not clear. General Plan goals 3 and 4 and the associated policies and programs describe the City’s efforts to provide an adequate potential housing supply.

Please also note that HCD has indicated that the draft Housing Element is consistent with State law, pending final edits to improve the descriptions of housing sites.

The commentor asks about the relationship of available zoned housing sites and those being removed. Residential areas proposed to be changed to a nonresidential district are shown in Exhibit III.3-2 in the Draft EIR. These are sites that are proposed to be in Conservation or Open Space Districts, to provide protection of sensitive habitat areas, or to recognize public ownership. Remaining sites are available for development as housing sites.

The commentor asks about trends related to open space and annexations. Trends in open space issues are discussed in the Open Space Element, and the City’s annexation policy is **LU-6 Annexation**. LAFCO will be initiating a study of San Rafael’s Sphere of Influence (SOI) this summer; this study will consider the City’s request to remove the St. Vincent’s/Silveira properties from the City’s SOI (described on page III - 1 of the Draft EIR).

Finally, the commentor asks about future programs to address certain impacts. The environmental impacts of preserving sensitive habitat areas and of projected residential development, and mitigations

are described in *Chapter V. Impact Overview*. The commentor suggests programs such as an Affordable housing fee to reserve areas zoning for housing, but it is unclear how the programs would work nor how they would address the impacts identified in *Chapter V. Impact Overview*.

RESPONSE TO LETTER 127 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 127-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOOD ELEMENT, “NH-82 (Canalways)” and under ECONOMIC VITALITY ELEMENT, “Economic Vitality Element”. See also Response to Comment 101-1.

RESPONSE TO LETTER 128 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 128-1

The commentor’s opinion is noted.

RESPONSE TO LETTER 129 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 129-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* responses under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 130 – THEO F. POSTHUMA

Response to Comment 130-1

The commentor’s opinion regarding six possible projects in the San Rafael Canal area is noted. No additional changes to *Draft General Plan 2020* are recommended based on these comments.

RESPONSE TO LETTER 131 – JOSEPH L. LEMON, JOSEPH L. LEMON ATTORNEY AT LAW

Response to Comment 131-1

The commentor implies in this comment that the upland disposal of dredge material from the San Rafael Canal is environmentally superior to in-bay disposal and cites the Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS). Issues related to the dredging of the San Rafael Canal, the potential use of the Canalways property for upland disposal of dredge materials, and the LTMS are discussed in Response to Comment 101-1.

Program **NH-52a Dredging Program** is on page 98 of *Draft General Plan 2020*. Water quality impacts are discussed in *Impact IV.10-1 Water Quality Standards* in the Draft EIR. The usefulness of policies **NH-52 Canal Maintenance** and **NH-53 Canal Water Quality** plus program **NH-52a Dredging Program** to reduce contaminant concentrations in stormwater discharge by providing for the periodic removal and safe disposal of potentially toxic fine sediments dredged from San Rafael Canal is discussed in *Impact IV.10-1*.

Response to Comment 131-2

See Master Response D – Canalways regarding the value of the wetlands on the Canalways property. As discussed in Response to Comment 104-1 CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies, unless an exemption applies. The commentor asks “what would be the environmental impact of not enhancing the resource and habitat value of Canalways in this manner?” CEQA does not apply to activities not proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies.

Response to Comment 131-3

See Master Response D – Canalways for a discussion of wetland issues and the salt marsh harvest mouse at the Canalways property.

Response to Comment 131-4

See Master Response D – Canalways for a discussion of wetland issues and the salt marsh harvest mouse at the Canalways property. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* responses under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 132 – PETER MARTIN, NORTH SAN RAFAEL COALITION

Response to Comment 132-1

The commentor is correct that the referenced section is directly from *Draft General Plan 2020*. This section of the EIR is merely describing the content of *Draft General Plan 2020* and is not making any judgments as to the validity of such statements. As discussed in Section IV.2 of the Draft EIR implementation of *General Plan 2020* will result in several significant traffic impacts.

Response to Comment 132-2

Exhibit III.3-2 in the Draft EIR describes the locations where it is proposed to change the General Plan land use designation. Exhibit III.3-3 in the Draft EIR shows the location of these land use designation changes. The project description (on page III - 15 of the Draft EIR) describes zoning amendments that will be made to implement General Plan policies. These zoning amendments would allow residential uses in additional districts (such as the office and general commercial districts). Since these proposals do not result in land use map changes it is not necessary to revise Exhibits III.3-2 or III.3-3.

Response to Comment 132-3

The commentor’s opinion is noted. Exhibit III.4-1 does show an increase of 5,104 households over existing conditions at buildout of *Draft General Plan 2020*. It is the opinion of the EIR preparers that such an increase over a 20 year period, which is a one percent increase per year, similar to the growth rate of the past ten years, would be fairly low. Nevertheless, the EIR analyses are based on the anticipated increase in development (nonresidential as well as residential) and whether one believes the increase in households is fairly low or not did not influence the analyses.

Response to Comment 132-4

Whether or not *Draft General Plan 2020* would “encourage reinvestment” in certain areas or not is not relevant to the discussion of the impact of incompatible land uses and changes to neighborhood character. In response to this comment the first paragraph on page IV.1 - 8 regarding *Impact IV.1-2* is revised as follows:

Under the proposed project, potential future development in the Northgate Town Center/Civic Center area, Medway commercial area, Loch Lomond Marina, Lindaro Mixed Use Area, and the Marin Square area would result in the most significant changes. In many of these areas the *Draft General Plan 2020* would allow additional housing and retail in the community over existing conditions ~~in order to encourage reinvestment and improvements in the areas.~~ Changes to these areas may include the introduction of new land uses, greater density, increased scale of existing and new development, and overall changes to neighborhood character which could potentially result in conflicting adjacent land uses or exceeding local transportation infrastructure capacities. However, numerous policies and programs in the *Draft General Plan 2020* would reduce such potential conflicts through the use of design guidelines, and development review. With successful implementation of these programs this would be a less-than-significant impact, as described below.

Response to Comment 132-5

The statement does not suggest that there is a higher demand in this area than other parts of the community, rather, it notes that housing demand is high in the city as a whole. The Housing Background, Appendix B of the *General Plan 2020*, demonstrates that 70 percent of low-income renter households and 38 percent of moderate-income owners are overpaying for their housing (page 316). In addition, the percent of ‘overcrowded’ units in San Rafael grew from 1.9 percent in 1980 to 10.6 percent in 2000 (page 314). Regarding ‘high quality’ – the purpose of the City’s design review process is to “contribute to the attractiveness of the city” and to “promote design excellence.” However, it is not possible at this time to provide evidence that new buildings will be high quality or otherwise.

Based on this comment the last paragraph on page IV.1 - 9 is revised as follows:

The site specific policies in the Land Use and Neighborhoods Element for the North San Rafael Town Center and Civic Center areas would retain the general character of the area while increasing design oversight, encouraging more neighborhood-serving uses, and allowing housing as part of mixed-use projects. If development were to occur consistent with policies in *Draft General Plan 2020*, it would have a positive impact within the area by creating improved public amenities, greater opportunities for pedestrians and bicyclists, and ~~high quality housing opportunities in an area where housing demand is high.~~ However, as stated above, the increase in mixed-use development could also result in land use conflicts. Many of the policies and strategies for the Northgate Town Center in *General Plan 2020* were generated by the *Vision North San Rafael*¹³ community-planning document.

¹³ *Vision North San Rafael*, San Rafael Community Development Department, 1997.

Response to Comment 132-6

Although policy **NH-152 Residential Use Near Civic Center Rail Stop** (and program **NH-152a Zoning Change**) encourages the City to consider amending the Zoning Ordinance to allow residential uses at the end of Merrydale Road, adoption of *General Plan 2020* does not actually result in such an amendment. If in the future such a zoning amendment was proposed and housing was proposed at this location the project would be subject to environmental review under the requirements of the California Environmental Quality Act. At this time it is speculative to determine what the impacts of such housing may be.

Response to Comment 132-7

The presence of additional population does not in itself represent direct significant impacts. Secondary impacts related to the presence of additional population are described in **Section IV.2 Transportation and Circulation** and **Section IV.5 Public Services**. The commentor has not provided evidence that this would be a significant impact. Based on this comment the fourth and fifth paragraphs on page IV.1 - 13 are revised as follows:

Thus, while development consistent with the *Draft General Plan 2020* would potentially induce some population growth in the Planning Area, such growth would not be considered substantial, particularly when placed in the regional context. Nor would such development represent a further concentration of population. Furthermore, the presence of additional population does not in itself represent a direct significant impact. Therefore, this would be a less-than-significant impact.

However, population growth consistent with that projected for the *Draft General Plan 2020* would result in secondary impacts related to public services and utilities. These impacts are described in **Section IV.2 Transportation and Circulation, IV.3 Air Quality, and Section IV.5 Public Services and Utilities** of this EIR.

Response to Comment 132-8

The commentor is correct that under the significance criteria for unsignalized intersections a change in the level of service from LOS A to LOS E would not be considered a significant impact. This is because LOS F is defined as an unacceptable operation, and any unsignalized intersection operating at a better level of service (LOS E or better) would be acceptable. In most cases, when an unsignalized intersection would reach this level of service, it would be proposed for signalization. The commentor is also correct that the unacceptable level of service for unsignalized intersections is different than for signalized intersections.

Response to Comment 132-9

As discussed in Response to Letter 76, an EIR/EIS/Alternatives Analysis (AA) is being prepared to evaluate potential impacts of seven alternatives for the Sonoma Marin Area Rail Transit (SMART) project. The SMART EIR/EIS/AA is evaluating a 75-mile corridor alternative (the other three alternatives include no build, bus and express bus). The commuter rail alternatives include:

- Larkspur to Cloverdale
- San Quentin to Cloverdale
- San Rafael to Cloverdale + Port Sonoma link
- San Rafael to Windsor

The DEIR/EIS/AA is scheduled for release in the fall of 2004, and certified in the winter of 2005. The vote on the sales tax for SMART is now anticipated to occur in 2006. If funding is approved, operations could begin as soon as 2008.¹⁴

As discussed in *Section IV.2 Transportation and Circulation* of the Draft EIR the City's traffic model was used to evaluate traffic impacts on city streets and Marin County's traffic model was used to evaluate Highway 101 and Interstate 580. The city's traffic analysis for city streets does not anticipate a mode shift due to implementation of SMART, nor does it analyze at-grade crossing affecting city streets. Marin County's traffic model for highways 101 and 580 includes rail ridership.

Due to the lack of specific information regarding the SMART proposal it would be too speculative to discuss impacts on the City of San Rafael beyond what is provided in the Draft EIR. The SMART DEIR/EIS/AA should, however, provide responses to many of these concerns.

Response to Comment 132-10

The asterisk in the table on page IV.2 – 23 of the Draft EIR should be replaced with footnote (c), which states that the intersection is a “two-way stop controlled intersection. The intersection delay and LOS were calculated based on City methodology.”

Response to Comment 132-11

The Planning Commission has recommended a height bonus of up to 24 feet for affordable housing in the San Rafael Town Center, allowing a building of 60 feet in height. This is similar in height to Sears and Macy's (both 56 feet tall) that are currently in the Town Center area. For the most part, adjoining neighborhoods are buffered from the Town Center area by hills and major roads. As the impact notes, the City's design review processes and the proposed design guidelines for nonresidential development will address potential impacts. It is speculative at this time to identify where and how height bonuses may be applied within the Town Center area; individual visual impacts would be identified and evaluated through project-specific environmental review.

RESPONSE TO LETTER 133 – PATRICK J. MURPHY

Response to Comment 133-1

The commentator is concerned that projects could escape environmental review by relying upon the analysis in the EIR for *Draft General Plan 2020*. Tiering is a CEQA concept envisioned to reduce redundancy in project analysis, not eliminate environmental review. The commentator is correct in noting that the analysis presented in the EIR is general in nature. Such an analysis is appropriate for a Program EIR. Concerns about the impact of a specific project are best addressed in the environmental review for that project.

Response to Comment 133-2

The commentator states that “any development that results in changes in land use type, density, scale and neighborhood character is unacceptable to the residents of those impacted neighborhoods”. The

¹⁴ *Frequently Asked Questions*, Sonoma Marin Area Rail Transit, web page, <http://www.sonomamarintrain.org/faqpage.asp>, January 2004. City of San Rafael communication with Matt Stephens, consultant to SMART, June 28, 2004.

Draft EIR acknowledges that development consistent with *Draft General Plan 2020* would result in changes in land use type, density, scale, and character in numerous city neighborhoods. However, it is not correct that **any** change would result in a significant adverse impact. As discussed in the significance criteria the change would result in a significant adverse impact only if that change introduced new land uses or altered the intensity of existing land uses, which would be incompatible with the established land uses or the overall character of the surrounding neighborhoods. As discussed in Impact IV.1-2 Incompatible Land Uses and Changes to Neighborhood Character there are a number policies and programs in *Draft General Plan 2020* that would reduce the impacts of the anticipated changes in land use type, density, scale and neighborhood character to a less-than-significant level.

Response to Comment 133-3

Impact IV.2-4 Level of Service at Lincoln Avenue and US 101 Southbound Ramps with Draft General Plan 2020, notes that the Lincoln/ Hammondale intersection at the 101 on- and off-ramps would operate at LOS F in the PM peak hour. The City's Traffic Engineer has identified that delay at this intersection is affected by regional US 101 traffic, and not local traffic. To avoid degradation in the current LOS, the intersection would need to be reconfigured and land uses eliminated. For these reasons, this impact is determined to be significant and unavoidable.

The Lincoln Avenue arterial between Hammondale and 2nd Street is projected to improve from LOS E to LOS D in the PM, and from LOS E to LOS C in the AM, with the addition of another travel lane, and improved signal timing along the length of the corridor.

Response to Comment 133-4

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-5

See Response to Comment 98-1.

Response to Comment 133-6

Mitigation measure IV.4-2 refers to the noise impact analysis that would need to be prepared for the SMART project. The comment requesting that "state of the art" noise mitigation technology be used should be addressed to the preparers of the SMART environmental document.

Response to Comment 133-7

Impact IV.4-5 Future Noise Sensitive Development was found to be less-than-significant because of *Draft General Plan 2020* policies (such as **N-1 Noise Impacts on New Development** and **N-3 Planning and Design of New Development**) that would result in noise mitigation requirements for the individual projects.

Response to Comment 133-8

The Police Department is in the process of determining its existing and projected future facility needs. Without such a determination it would be speculative to imagine where or how the Police Department could meet those needs. Therefore, Mitigation Measure IV.5-6(a) recommends that the Police Department determine their needs, obtain funding, and purchase or construct the needed facilities. Mitigation Measure IV.5-6(b) identifies some of the numerous policies and programs included in *Draft General Plan 2020* that would reduce most potential environmental impacts. If construction of

new facilities is required to meet the Police Department's needs, further environmental review could be required. It is beyond the scope of this EIR to consider specific sites or locations for the future Police Facilities.

Response to Comment 133-9

Draft General Plan 2020 proposes no changes to the current *General Plan 2000* policies which allow one- to two-story height bonuses (not bonuses of five or six stories) in Downtown for affordable housing, public parking, a hotel, and other desired amenities. *Impact IV.7-3 Visual Setting and Character of the City*, identifies the policies and programs that would reduce the alteration or degradation of the visual setting or character of the City.

Response to Comment 133-10

See Response to Comment 133-9.

Response to Comment 133-11

The commentor's opinion is noted. As discussed in the setting section, the San Rafael Planning Area is subject to several seismic and geologic hazards of varying significance. Unless there was a permanent building moratorium in the Planning Area some of the future development will be subject to one or more of the identified hazards. Mitigation is, however, available to reduce these hazard impacts to a less-than-significant level.

Response to Comment 133-12

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-13

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-14

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-15

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under INFRASTRUCTURE ELEMENT, "New Policy I-6X"; and under COMMUNITY DESIGN ELEMENT, "CD-20", and "Program CD-20c".

Response to Comment 133-16

The commentor's opinion is noted.

Response to Comment 133-17

Exhibit IV.2-4 lists the operating conditions under existing and baseline conditions at unsignalized intersections. Exhibit VIII.3-4 in Appendix VIII.3 lists *Draft General Plan 2020* proposed improvements for intersections. Signalization plus other improvements are proposed for the Lincoln and Brookdale intersection and the Lincoln and Linden intersection.

Response to Comment 133-18

Exhibit IV.2-7 shows existing and baseline operating conditions on roadway segments. As noted by the commentor the roadway segments identified operate at LOS E or F under baseline conditions. As noted in the Transportation and circulation significance criteria, if an arterial with baseline traffic volumes is already at an unacceptable LOS and there is a decrease in the calculated average travel speed of five miles per hour or more (city arterials) or .05 V/C or more (CMP arterials), this impact is significant. So, the commentor is basically correct. Nonetheless, Exhibit VIII.3-5 shows that, with proposed improvements, there will be the same or faster travel speeds on Lincoln, and that Mission will remain about the same.

Response to Comment 133-19

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-20

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-21

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-22

The commentor's opinion is noted. No additional response is necessary.

Response to Comment 133-23

The commentor's opinion is noted. Any parking impacts related to a specific project would be addressed in the environmental review for that project. This EIR addresses impacts related to the removal of parking, where it is clear that parking would be removed. It is not possible to address all potential parking issues in a Program EIR, such as this one. The Significance Criteria referenced by the commentor indicate that the removal of substantial amounts of on-street parking would be considered a significant impact.

Response to Comment 133-24

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, "C-7 (Exhibit 19)".

Response to Comment 133-25

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, "C-7 Exhibit 19. (Major Planned Circulation Improvements)".

Response to Comment 133-26

Comment noted. Potential impacts of future rail service would be addressed during the environmental review process for the rail service. See Response to Comment 132-9 for a discussion of the SMART environmental review.

Response to Comment 133-27

The commentor's opinion is noted. Impact IV.2-13 states that the removal of on-street parking spaces along Lincoln Avenue would be a significant and unavoidable impact.

Response to Comment 133-28

Potential impacts of future rail service would be addressed during the environmental process for the rail service. See Response to Comment 132-9 for a discussion of the SMART environmental review. Emission controls imposed on railroad locomotives by the U. S. Environmental Protection Agency will make future diesel-powered railroad locomotives substantially cleaner than current locomotives. Other technologies exist that are either non-polluting (electrical power) or lower emission (biodiesel, LPG/LNG) that could be utilized. The addition of rail service, even if diesel-powered, would be occurring in the context of declining exposure to diesel particulate brought about through the state-wide imposition of emissions controls and Airborne Toxic Control Measures (ATCMs). Policy **AW-2 Land Use Compatibility** addresses land use compatibility related to the siting of sensitive receptors near air pollution sources and provision of buffers between existing sources and proposed sensitive receptors.

Response to Comment 133-29

See Response to Comment 98-1.

Response to Comment 133-30

See Response to Comment 119-1.

Response to Comment 133-31

See Response to Comment 98-1.

Response to Comment 133-32

Please see Response to Comment 133-6

Response to Comment 133-33

See Response to Comment 133-7.

Response to Comment 133-34

See Response to Comment 133-27.

Response to Comment 133-35

Please see Response to Comment 133-6

Response to Comment 133-36

The commentor expressed concerns regarding irreversible changes and impacts to the environment. This EIR discusses the potential for impacts as a result of *Draft General Plan 2020*. **Section V.3 Significant Irreversible Environmental Changes** addresses instances where development consistent with *Draft General Plan 2020* could result in a permanent environmental change. Due to the general

nature of the planning document, it is not possible to analyze every instance of such a potential change. This EIR does, however, offer mitigation measures that could potentially reduce the impact of development consistent with *Draft General Plan 2020*. Impacts associated with a specific development would be addressed in the environmental review for that development. It should also be noted that the changes described in **Section V.3** would likely occur with or without the adoption of the *General Plan 2020*.

Response to Comment 133-37

The commentor expressed concerns regarding perceived inconsistencies with the stated number of proposed residential units in *Draft General Plan 2020* and the EIR. Although the commentor did not provide specific examples, it should be noted that the data used for the housing analysis and discussion came from two distinct sources: the City of San Rafael Community Development Department and the Marin County Department of Public Works. Marin County makes projections for *households*, while the City makes projections for *residential units*. These projections differ due to a difference in land use coding systems used by the two agencies. The discussion and analysis of housing in the Draft EIR primarily relies upon the projections of *households* as provided by Marin County. The inclusion of the City’s projection for *residential units* in Exhibit III.4-2 was intended for reference only. The unintentional omission of a footnote letter in this exhibit may have caused some confusion. In addition, there is a typo in the industrial/office growth assumption for *Draft General Plan 2020*. As a result of this comment Exhibit III.4-2 is revised as follows:

**Exhibit III.4-2
 Projected Development, San Rafael General Plan 2020**

Land Use	Existing Conditions ^a	Draft General Plan 2020 (Buildout)	General Plan 2000 (Buildout)
Commercial (sq. ft.)	9,030,000	9,183,000	9,710,000
Industrial/Office (sq. ft.)	9,031,000	9,279,000 9,278,000	11,812,000
Lodging (rooms) ^b	464	821	464
Recreation (seat) ^c	3,010	5,010	3,010
Residential (units) ^d	28,929	32,423	33,984

^a Includes existing development and approved projects.

^b Includes hotels and bed-and-breakfast inns.

^c Includes entertainment venues such as theaters.

^d Marin County projections for *households* differs from the City’s projections for *residential units* due to a difference in land use coding systems used by the two agencies. This EIR analysis relies upon the County projection of *households* rather than the City’s projections of *residential units*.

Source: San Rafael Community Development Department, Economic Development Department and Department of Public Works, 2003.

Response to Comment 133-38

See response to Comment 133-27.

Response to Comment 133-39

See Response to Comment 98-1.

Response to Comment 133-40

The commentator's opinion is noted. See response to Comment 133-17.

RESPONSE TO LETTER 134 – STEPHEN L. KOSTKA, BINGHAM MCCUTCHEN

Response to Comment 134-1

Draft General Plan 2020 proposes to remove the St. Vincent's Catholic Youth Organization School for Boys and the Silveira Ranch properties (St. Vincent's/Silveira properties) from the City's Planning Area. As discussed more fully below, the City has fully considered the environmental impacts resulting from *Draft General Plan 2020*, including this change in the Planning Area.

Response to Comment 134-2

The commentator is correct that General Plan 2000 included policies for the potential development of the St. Vincent's/Silveira properties. The commentator also generally sets forth additional planning actions for the property including the memorandum of understanding (MOU) between the City and the County which named the City as the appropriate agency for processing development applications and the Advisory Task Force Recommendations for the St. Vincent's/Silveira properties and the. The previous planning history regarding the St. Vincent's/Silveira properties does not suggest that there is any "special relationship" between the St. Vincent's/Silveira properties and the City. The properties are simply an area that at one time, was considered appropriate for potential annexation into the City.

The application for the St. Vincent's Village Development Project mentioned in the comment was submitted to the City in March of 2002. That application was denied in April 2003, prior to preparation of an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA). (See Pub. Resources Code, § 21080, subd. (b)(5).) The City's denial of the project was supported by detailed findings which explained the prior planning history of the St. Vincent's/Silveira properties and set forth the reasons for denial of the proposed project. A detailed explanation of the planning history for St. Vincent's/Silveira is set forth in Response to Comment 134-4, below.

Response to Comment 134-3

The Draft EIR for *Draft General Plan 2020* evaluates the potential environmental impacts of implementing *Draft General Plan 2020*. The change in the City's Planning Area is part of the "project" considered for CEQA purposes. Contrary to the assertion in the comment, the City has in fact evaluated the potential environmental impacts of removing the St. Vincent's/Silveira properties from the Planning Area.

This change in the Planning Area was clearly described in the Project Description of the Draft EIR, which provides:

LAFCO currently includes the properties of St. Vincent's School for Boys and the Silveira Ranch within the San Rafael Sphere of Influence. Consistent with City Council Resolution [11237], the City has requested that LAFCO remove the St. Vincent's and Silveira Ranch properties (St. Vincent's/Silveira properties) from San

Rafael's Sphere of Influence. Also consistent with the Resolution, *Draft General Plan 2020* would not include those lands within the Planning Area nor policies addressing the future of these properties, as the Marin Countywide Plan will determine future land uses. (see Draft EIR, page III - 1.)

Item 4 in Exhibit III.3-2 shows the removal of St. Vincent's/Silveira from the Planning Area. This change is represented visually in Exhibit III.3-3 on page III - 10. Exhibit III.3-4 also shows that the removing the St. Vincent's/Silveira properties represents a net change of 943 acres in the planning area. As explained on page III - 11, the 943 acres includes 581 acres of Commercial-Mixed Use land (designated St. Vincent's/Silveira) and 363 acres of Parks and Open Space land (designated Agriculture/Recreation/Land Reserve) on the St. Vincent's/Silveira properties that have been removed from the Planning Area.

The acreages in Exhibit III.3-4 are also explained on page III - 8, which states:

Exhibit III.3-4 shows the existing and proposed acreage for all of the land use designations. The loss of 943 acres from the Planning Area, as shown in this exhibit, represents the removal of the St. Vincent's/Silveira properties from the Planning Area. This acreage includes 581 acres of Commercial-Mixed use land (St. Vincent's/Silveira designation) and 363 acres of Parks and Open Space land (Agriculture/Recreation/Land Reserve designation).

Thus, the removal of St. Vincent's/Silveira from the Planning Area is clearly described in the Project Description. As described more fully below, the removal of St. Vincent's/Silveira from the City's Planning Area is part of the project analyzed and was contemplated in the analysis for each impact area in the Draft EIR.

The commentor is incorrect that the "DEIR expressly excludes [the properties] from consideration," and the commentor provides no citation for such a comment. Instead, as explained above, the Draft EIR correctly described the change in the City's Planning Area in the project description. As discussed more fully below, this aspect of the project is also thoroughly analyzed in the Draft EIR.

The commentor quotes a statement from page IV.1 - 1. The quoted sentences state that the St. Vincent's/Silveira properties are not considered in *Draft General Plan 2020*. This is because those areas are proposed to be removed from the Planning Area, and thus *Draft General Plan 2020* does not include policies or land use designations for the properties. The quoted sentence does not state that this change in the Planning Area is not analyzed in the Draft EIR.

Just like all of the other proposed changes in land use designations (see Exhibit III.3-2), the proposed change in the Planning Area was considered in the evaluation of impacts. As set forth in the Project Description:

This EIR evaluates policies and programs in *Draft General Plan 2020* that would lead to alterations in the physical environment. The evaluation includes changes in population, employment and land use patterns that would occur in San Rafael as the General Plan is implemented. (see Draft EIR, page III - 17.)

This change in the Planning Area is also specifically discussed throughout the impacts analysis:

- Page IV.1 - 1 (discussing the change in "undeveloped land" within the Planning Area)

- Page IV.1 - 3 (exhibit showing changes in land use categories)
- Page IV.1 - 4 (exhibit showing changes in acreages of land uses)
- Page IV.8 - 5 (discussing effects on Biological Resources due to removing large undeveloped lots from the Planning Area)
- Page IV.8 - 7 (discussing the habitats of St. Vincent's/Silveira)
- Page IV.10 - 4 (discussing portions of St. Vincent's/Silveira, no longer within the planning area, that are within the tidal influence zone)
- Page IV.10 - 6 (discussing water quality impacts)
- Page IV.10 - 8 (discussing groundwater impacts in the Miller Creek watershed)
- Page IV.10 - 12 (discussing potential flooding impacts along the tidal reach of Miller Creek)
- Page IV.10 - 14 (discussing tsunami related flooding along the tidal reach of Miller Creek)
- Page IV.11 - 1 (discussing impacts to agricultural lands) ¹⁵
- Page IV.11 - 2 (discussing conversion of farmland)

Thus, the changes to the City's Planning Area, which includes no longer considering the St. Vincent's/Silveira sites as potential housing, have been fully analyzed in the Draft EIR.

Exhibit III.1-2 has been revised to add the following note:

Pending LAFCO amendment of the San Rafael Sphere of Influence

Response to Comment 134-4

There is no requirement in CEQA that an EIR explain the prior planning history of a portion of a project or why the lead agency has determined to change course from prior planning. The basic purpose of an EIR is to inform the public and its responsible officials of the *environmental* consequences of a proposed project. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) Such a discussion would not affect the analysis of the *environmental* impacts of implementing *Draft General Plan 2020*.

Nevertheless, a summary of the relevant history is provided. The City and the County of Marin have, in the past, jointly planned for the future use and development of the St. Vincent's/Silveira properties. Since 1973, Marin County planning policies have stated that the subject properties are located within the "City-Centered Corridor," which is where urban development had been planned in exchange for retaining western and central Marin in open space and agricultural uses. For many years, the City, County and Marin County Local Agency Formation Commission (LAFCO) have identified the St. Vincent's/Silveira properties as within the City's Sphere of Influence (SOI).

The San Rafael General Plan 2000, which was adopted in 1988, set forth policies for the St. Vincent's/Silveira properties, describing environmental concerns (such as protection of wetlands, streams and diked baylands, as well as preservation of oaks and hillsides) and identifying development potential for the area west of the railroad tracks. (City of San Rafael, General Plan 2000, SV/S -1 to SV/S-5.)

¹⁵ Please note that this discussion has been revised for clarity.

In 1991, the City took the lead in establishing a 25 member St. Vincent's/Silveira advisory committee. After three years of meetings, the committee was unable to achieve unanimous consensus, and the recommendations were not adopted by the City Council.

The City and County again decided to undertake a joint planning process in 1998, and adopted a written Memorandum of Understanding (MOU) calling for joint formation of a broad based advisory task force, whose recommendations could be utilized in the concurrent updates of the City's and County's general plans. The St. Vincent's/Silveira Task Force completed its recommendations after 20 months of work. The City Council and Board of Supervisors accepted the Task Force recommendations on May 3, 2000, and directed their staffs to utilize them in updating the general plans.

In March 2002, the Catholic Youth Organization and Shappell Industries of Northern California filed applications with the City for development of 766 housing units (plus 90 second units) and 124,000 square feet of non-residential development. The City determined to deny the project applications, however, for several reasons.

The City determined that circumstances that might have favored the development of the properties had changed since the adoption of General Plan 2000 and the acceptance of the Task Force Recommendations. For example, the St. Vincent's/Silveira Area Policies in General Plan 2000 contemplated that "due to roadway and sewer capacity constraints, the area is not expected to develop within the very near future" and also stated that certain development phasing infrastructure improvements would need to be completed prior to development of the St. Vincent's property.

For example, General Plan 2000 states that a "parallel arterial to Highway 101 is needed to provide additional north/south capacity through to Novato, as well as for police and fire emergency access." No such parallel arterial has been constructed. General Plan 2000 also requires that "[r]ight of way for the east side arterial to the northern Planning Area boundary shall be secured." This mandatory precursor to development has not occurred, nor has it been proposed.

General Plan 2000 also states that "[d]evelopment shall occur at the same time as or after completion of needed roadway improvements, including McInnis Parkway, the Lincoln Avenue-Los Ranchitos Road connector, widening of North San Pedro and Merrydale Roads, and improvement of Lucas Valley Road/Smith Ranch Road interchange." The Lincoln Avenue-Los Ranchitos Road connector is the only listed improvement that has been completed.

Additionally, General Plan 2000 requires that "development shall not occur until a decision on the ultimate mode of and service design for the Northwest Pacific Railroad transitway is made by the Highway 101 committee." This decision has not yet been made.

Traffic congestion during commute periods had also increased significantly since the preparation of General Plan 2000 in 1986. Highway 101 had deteriorated from Level of Service (LOS) E in the morning commute period to LOS F today and from LOS D in the evening commute period to LOS E.

The Preliminary Traffic Study for the St. Vincent's Project (April 2, 2002) submitted by the applicants indicated that traffic generated by development of the St. Vincent's/Silveira properties would add between four and five percent additional traffic volume to Highway 101 in the morning commute hours in the vicinity of the project and would increase the volume to capacity (V/C) ratio between .04 and .05 during the morning commute period, which exceeds the Congestion Management Agency's standard for significant impact of .01 increase in the V/C ratio for highway segments already operating at LOS F by 400 to 500 percent.

This denial followed a unanimous adoption of Resolution No. 11237 by the City Council on January 13, 2003. That resolution provided in pertinent part:

That the City Council of the City of San Rafael directs staff to prepare proposed amendments to the City's General Plan relating to the St. Vincent's and Silveira properties, indicating the City's determination not to annex or to serve these lands and directing that LAFCO remove them from the City's Sphere of Influence and Urban Service area as appropriate and to bring such proposed amendments to the Planning Commission and City Council for public hearing and consideration for adoption. In doing so staff is directed to include policies continuing the City's long advocacy that any future development of these lands in the County should provide for maximum creation of workforce housing while protecting unique environmental features and their habitat values by providing a fair economic use of these lands for their owners. The City Council further directs the *Draft General Plan 2020* Steering Committee also consider such policies in their preparation of a draft *Draft General Plan 2020* consistent with such Council direction.

On August 13, 2003, the City forwarded the request to modify its Sphere of Influence to LAFCO. (An explanation of LAFCO's role in modifying the Sphere of Influence is provided below in Response to Comment 134-14.) LAFCO has accepted this request, and has informed the City that it will incorporate the request into LAFCO's regularly planned five year update of the City's SOI. At this time, LAFCO plans to begin that process in summer 2004. Modifications to the SOI will likely require environmental review, and LAFCO will determine the appropriate scope of environmental review once the process has formally begun.

Response to Comment 134-5

As discussed above in Response to Comment 134-3, the Project Description clearly states that, as part of *Draft General Plan 2020*, the City proposes to remove St. Vincent's/Silveira from the Planning Area. The potential for the project to cause "displacement" impacts is discussed below in Response to Comment 134-6. Growth-inducing impacts are discussed in Response to Comment 134-7.

Response to Comment 134-6

The commentor misconstrues CEQA's requirements for analyzing the proposed change in the City's Planning Area. It is not appropriate for an EIR for a general plan to compare impacts of potential development of the proposed plan against the impacts from the *potential* development of the existing plan. Instead, CEQA requires the City to consider the impacts of *Draft General Plan 2020* against the existing physical environment. In other words, a "plan-to-plan" comparison is not appropriate.

The commentor essentially urges the City to compare the impacts of potential development under *Draft General Plan 2020* to potential development under General Plan 2000. The courts have expressly rejected this approach. (*Environmental Planning & Information Council v. County of El Dorado* ("EPIC") (1982) 131 Cal.App.3d 350; *Christward Ministry v. Superior Court* ("Christward Ministry") (1986) 184 Cal.App.3d 180.) As explained by the court in *EPIC*, "CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan; it concerns itself with the impacts of the project on the environment, defined as the existing physical conditions in the affected area." (*EPIC, supra*, 131 Cal.App.3d at page 354.) The court went on to explain, that "[t]he legislation evinces no interest in the effects of proposed general plan amendments on an existing general plan, but instead has clearly expressed concern with the effects of projects on the actual environment upon which the proposal will operate." (*Ibid.*)

In the *EPIC* case, the agency's EIR compared the potential population density allowed under the existing general plan with that allowed under a proposed amendment to the plan, both of which were far higher than the actual population. The court concluded: "The comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result. There are no extensive, detailed evaluations of the impacts of the proposed plans on the environment in its current state. Accordingly, the EIRs fail as informative documents." (*Id.* at page 358.)

The commentator is incorrect in stating that *Draft General Plan 2020* "would eliminate a large amount of potential housing – up to 2,100 units." The commentator is also incorrect in stating that "the DEIR does not analyze the potential locations to which this housing will be displaced."

As part of the update of the General Plan, the City is also updating its Housing Element. Government Code section 65583 requires all housing elements to identify adequate sites that are appropriate and feasible for particular income levels, and demonstrate that sites will be available for residential development during the timeframe of the element. State law charges regional planning organizations with identifying for its cities and counties their "regional housing need." In the Bay Area, the Association of Bay Area Governments (ABAG) determines, through a methodology that accounts for population and jobs growth, each jurisdiction's share of the regional housing need. San Rafael's total housing need for the planning period of 1999-2007 is 2,090 units, as shown on page 351 of *Draft General Plan 2020*. Of those units 1,162 have already been approved or built or are under review, leaving 928 to be provided by 2007.

The Housing Element law requires the City to provide an inventory of known sites available for housing development as well as vacant and/or undeveloped sites that can accommodate the City's housing development needs as determined by the ABAG. In preparing the updated Housing Element, the City conducted a survey of vacant, underutilized and redevelopment areas of the City to assess needs and opportunities for additional housing development.

At the beginning of the planning process for *Draft General Plan 2020*, the Steering Committee determined that one of its goals would be the distribution of new housing throughout the City so that no one area would be the focus of new residential development. Over the next two years, the committee members heard from neighbors suggesting that new housing be built in the suburban neighborhoods, or alternatively, in the urban Downtown area. These interests were balanced with a second housing goal: enhancing neighborhoods through infill of vacant and underutilized sites.

In preparing the list of "Potential Housing Sites," the Steering Committee began reviewing in November 2001, a preliminary list drafted by City staff of 88 "potential housing opportunity sites." The St. Vincent's/Silveira properties were on this list. However, the local public officials, members of the public and staff noted that the units at St. Vincent's/Silveira should not be counted toward meeting San Rafael's housing needs because it was unlikely that the property would be developed within the 1999-2007⁶ planning timeframe. The environmental review of impacts of development at St. Vincent's/Silveira (traffic, wetlands, grading landforms, construction in a floodplain) and the merits review required for rezoning, subdivision and annexation to the City would be lengthy, and therefore St. Vincent's/Silveira could not realistically be counted on for units being occupied within HCD's planning timeframe.

In January 2002, at a Community Design Charrette, the Steering Committee, along with over 100 community members participated, in a workshop to consider potential housing sites. After the Charrette, the Steering Committee prepared a "short list" of 37 potential housing sites. The Steering Committee decided to focus its attention on finding housing sites within the City limits, as the County

had embarked on a similar exercise for unincorporated areas as part of its update of its Housing Element. The short list did not include St. Vincent's/Silveira.

The Steering Committee's final list of housing sites is shown on pages 352-353 of *Draft General Plan 2020*. This list includes allowing housing in areas where it is not currently allowed, such as in the Marine and General Commercial districts. This section is being revised, pursuant to a request from the Department of Housing and Community Development (HCD) to include more information on ten specific sites. HCD has determined that the Housing Element is adequate in every other respect.

With the proposed rezoning of some of the areas (concurrent with adoption of *Draft General Plan 2020*), all of the housing sites listed for the 1999-2007 planning period will be available for housing development with reasonable access to public services and facilities, and without unusually high development costs, thus meeting HCD's requirement for identifying adequate sites.

The Draft EIR analyzes the potential impacts of developing these sites. For example, the traffic models prepared for the Draft EIR modeled development based on the housing sites identified in the Housing Element. The air quality and noise impacts analyses were in turn based on the traffic model. The additional housing is also considered in every other impact area as well.

The City, therefore, disagrees that removing St. Vincent's/Silveira from the Planning Area "displaces" any housing units. The Housing Element has identified adequate housing sites. Furthermore, the impacts of developing those housing sites has been thoroughly analyzed in the Draft EIR.

Response to Comment 134-7

CEQA requires that an EIR analyze the ways a "project could foster economic or population growth, or the construction of additional housing, either directly or indirectly." (CEQA Guidelines, § 15126.2, subd. (e).) Development consistent with *Draft General Plan 2020* could result in up to 401,000 additional square feet of non-residential uses, 5,104 additional households, and 12,708 more residents. As explained in the Draft EIR, San Rafael's population is expected to grow by about 12 percent by 2020. This is slower than the Bay Area as a whole, but comparable with the expected growth in Marin County as a whole, which is the slowest growing county in the Bay Area. (see Draft EIR, page IV.1 - 5.) The Draft EIR has analyzed the impacts of the growth.

The fact that *Draft General Plan 2020* includes plans for accommodating a small amount of growth does not, as the commentor implies, mean that *Draft General Plan 2020* will be growth-inducing as contemplated by CEQA. For example, *Draft General Plan 2020* does not include plans for expansion of infrastructure or services beyond that necessary to accommodate the planned growth. Thus, additional growth or indirect impacts are not anticipated. (See CEQA Guidelines, § 15126.2, subd. (e).)

In fact, the Draft EIR explains that, in some instances *Draft General Plan 2020* would have the effect of restricting development due to changes in land use designations. One example is the City's determination that it will no longer plan for the expansion of the City to include the St. Vincent's/Silveira properties. Furthermore, *Draft General Plan 2020* would not remove infrastructure limitations that otherwise would limit growth, nor would adoption of the plan remove regulatory constraints that could result in future unforeseen growth. To the contrary, *Draft General Plan 2020* proposes to concentrate growth in already developed urban areas. Thus, *Draft General Plan 2020* does not propose to extend services to previously undeveloped areas. The Draft EIR therefore appropriately concluded that *Draft General Plan 2020* would not have negative growth inducing

impacts. The commentor does not provide evidence or an explanation as to how *Draft General Plan 2020* would induce growth.

The commentor is also incorrect in asserting that the “DEIR arbitrarily limits its analysis of growth-inducing impacts to those that may result only *within* the Planning Area.” Nothing in the Draft EIR suggests this is the case. As explained above, there is no evidence that *Draft General Plan 2020* would have negative growth inducing impacts. This analysis applies to *Draft General Plan 2020*’s potential to induce growth outside of the Planning Area. As *Draft General Plan 2020* would not extend infrastructure or services outside the City limits, there is no evidence that it will induce growth within or outside of the Planning Area.

Lastly, the commentor is incorrect in asserting analysis of *Draft General Plan 2020*’s growth inducing impacts “along with a comparison of those impacts to those that would result under the General Plan as it now exists” should be included in the EIR. As explained above, this sort of plan-to-plan analysis is not appropriate. (*EPIC, supra*, 131 Cal.App.3d at page 354.)

Response to Comment 134-8

There is no evidence that adoption of *Draft General Plan 2020* will “worsen the trend” of jobs-housing imbalance. In fact, the Steering Committee made land use planning decisions to specifically focus on ways to increase housing and to limit jobs growth, in order to improve San Rafael’s job/housing ratio. *Draft General Plan 2020*’s focus on providing affordable housing will help to improve the jobs-housing ratio. Thus, there is no evidence that *Draft General Plan 2020* will lead to longer commutes and the accompanying environmental impacts suggested by the comment.

To the contrary, as explained in the Draft EIR, development consistent with *Draft General Plan 2020* is expected to increase employment in the Planning Area from 45,582 in 1998 to 47,394 projected in the year 2020 and households from 26,130 in 1998 to 31,234 units in the year 2020. This would result in a jobs-to-housing ratio of 1.52, an improvement to the current ratio of 1.74. (Draft EIR, p. IV.1-14.) The resulting decrease in the jobs-to-housing ratio would offer the opportunity for more local workers to reside in the community, which has the potential to reduce future traffic generation.

Furthermore, *Draft General Plan 2020* is consistent with strategies for “Smart Growth” as recently described by the Association of Bay Area Governments (“ABAG”) in its report *Smart Growth Strategy Regional Livability Footprint Project – Shaping the Future of the Nine-County Bay Area* (October 2002). The vision set forth in the *Smart Growth Strategy* is aimed at addressing the problems of growth facing the Bay Area: lack of affordable housing, crowded roadways and shrinking open space. (*Smart Growth Strategy*, p. 2.) The *Smart Growth Strategy* for Marin County calls for revitalizing the San Rafael’s Downtown with intensified mixed-use development, including affordable housing. Growth should occur in already developed areas, and higher intensity uses should develop around transit stops. The Plan must balance affordable housing need and economic development goals with environmental protection and the preservation of open space. (*Id.* at p. 12.) *Draft General Plan 2020* provides for such transit oriented development. From a regional perspective, mixed-use, higher density development near transit will decrease regional emissions by increasing transit and pedestrian trips, reducing commute and short-distance auto trips, and allocating land use more efficiently near major transit improvements than would otherwise occur in the region, or under the current San Rafael General Plan.

Response to Comment 134-9

This commentor asserts that the Draft EIR for *Draft General Plan 2020* was required to compare the traffic impacts generated by development consistent with *Draft General Plan 2020* against traffic impacts as if the St. Vincent's/Silveira properties were developed. CEQA does not require such an analysis. As discussed above, CEQA requires the Draft EIR to analyze the impacts of implementing *Draft General Plan 2020* against the baseline environmental condition. (*EPIC, supra*, 131 Cal.App.3d at page 354.)

Furthermore, as discussed above, there is no evidence that *Draft General Plan 2020* will negatively affect the jobs-to-housing balance, thereby increasing commuter traffic.

Similarly, there is no evidence that developing on the outskirts of the city would improve traffic caused by commuters traveling to work. Instead, the City has formulated a plan that locates housing in already developed areas, closer to office/commercial centers to reduce traffic.

The commentor also asserts that “[n]o evidence has yet been developed to test the validity of the assumption” that development of the St. Vincent's/Silveira properties would exacerbate traffic on Highway 101. First, as discussed above, no evidence of this kind is required for the Draft EIR for *Draft General Plan 2020* as *Draft General Plan 2020* does not propose development at St. Vincent's/Silveira.

Second, the commentor is incorrect that no evidence supported the City's finding in connection with Resolution 11288. In fact, the Preliminary Traffic Study for the St. Vincent's Project (April 2, 2002) submitted by the St. Vincent's Village applicants indicates that traffic generated by development of the St. Vincent's and Silveira properties would add between four and five percent additional traffic volume to Highway 101 in the morning commute hours in the vicinity of the project and would increase the volume to capacity (V/C) ratio between .04 and .05 during the morning commute period, which exceeds the Congestion Management Agency's standard for significant impact of .01 increase in the V/C ratio for highway segments already operating at a Level of Service F.

Response to Comment 134-10

Draft General Plan 2020 contains two goals and numerous policies that aim at increasing and maintaining a diverse housing supply, including affordable housing: **Goal 3: Housing Needs** and **Goal 4: A Diverse Housing Supply**. Both contain policies that will help to increase the City's supply of affordable housing. There is no evidence that *Draft General Plan 2020*, as compared to other proposals, will negatively affect the availability of affordable housing. Furthermore, as discussed above, *Draft General Plan 2020* satisfies the City's housing obligations as determined by ABAG and by HCD.

Whether or not the development proposed for the St Vincent's/Silveira properties in 2002 would have improved the supply of affordable housing and traffic is not appropriately considered in the Draft EIR for *Draft General Plan 2020*, and is purely speculative at this juncture. A proposal to develop St. Vincent's/Silveira is not part of *Draft General Plan 2020*. Nor is there any evidence that such development would reduce any significant unavoidable impacts.

As set forth above, it would not be appropriate for the Draft EIR to compare the impacts of development proposed under *Draft General Plan 2020* to the development that could occur under General Plan 2000. CEQA requires the Draft EIR to compare the impacts of *Draft General Plan 2020* against the existing physical condition, which does not include development of St. Vincent's/Silveira.

The plan-to-plan analysis suggested by the commentor is not appropriate. (*EPIC, supra*, 131 Cal.App.3d at page 354.)

Response to Comment 134-11

The City disagrees that the project description does not provide “clear, concise explanations” of the proposed changes in *Draft General Plan 2020*. For example, the project description goes into great detail in explaining the changes under the topic area of “Our Use of Land.” The project description details the two areas in which amendments are made to building height standards; lists the specific categories of land uses that are to be modified; and lists the proposed revisions to the land use map. These changes to proposed land uses are then set forth in two tables that provide specific information on parcels and acreages. (See Draft EIR, pages III - 5 to III - 12.)

For each of the other topic areas, a similar level of detail is provided that alerts the reader to policies that will remain unchanged and those that will be changed. (See Draft EIR, pages III - 12 to III - 16.) The City disagrees that this project description does not clearly summarize the hundreds of policies contained in *Draft General Plan 2020*. Furthermore, it should be noted that the “project” under consideration is the adoption of *Draft General Plan 2020*, which was incorporated by reference and circulated with the Draft EIR.

Response to Comment 134-12

The removal of the St. Vincent’s/Silveira properties from the Planning Area is described numerous times in the project description. (See Response to Comment 134-3.) Furthermore, the Draft EIR specifically refers the reader to Appendix B of *Draft General Plan 2020* for a list of housing sites. The City disagrees that the project description is misleading.

Response to Comment 134-13

Draft General Plan 2020 does not propose that the lands of St. Vincent’s/Silveira, which are not within the City limits, be developed at this time. The City has removed these properties from the Planning Area. Program **LU-6a LAFCO** requests that LAFCO remove these properties from the City’s Sphere of Influence. (See also Response to Comment 134-14 for a discussion on the roles of LAFCO and the City.) Such policy decisions regarding land use are clearly within the City’s discretion. Furthermore, as discussed above in Response to Comment 134-4, the City has previously determined that the St. Vincent’s/Silveira properties are not appropriate for development within the City limits and are not presently available for development. The Draft EIR accurately reflects the availability of developable land within the City.

Response to Comment 134-14

The commentor inaccurately describes the City’s authority to remove the St. Vincent’s/Silveira properties from its Planning Area. While LAFCO must approve any amendments to the City’s sphere of influence (SOI), it is entirely within the City’s discretion to adopt a Planning Area that is smaller than that SOI.

There is no requirement that the City’s Planning Area be co-extensive with the City’s SOI. According to the Office of Planning and Research (OPR), “[a]lthough there is no direct requirement that the sphere and the planning area match, the former provides a convenient measure of the city’s region of interest.” (OPR Guidelines, 2003, page 10.) State law recognizes the close relationship between a city’s general plan and LAFCO’s determinations regarding SOI amendments. That relationship

suggests that it is appropriate for the City to first remove the properties from the Planning Area to support LAFCO's analysis of the SOI amendment process.

A sphere of influence is a plan for the probable physical boundaries and service area of a city or district, *as determined by the LAFCO*. (Gov. Code, § 56076.) It serves as a basis for making future annexation decisions and is intended to provide for orderly growth and development. The City understands that a change in the City's SOI is a decision fully within the discretion of LAFCO, as described by the commentor.

State law also requires cities to adopt a general plan "for the physical development of the . . . city, and any land outside its boundaries which bears a relation to its planning." (Gov. Code, § 65300.) The general plan must cover the territory within the boundaries of the adopting city or county as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning." (*Ibid.*)

In reviewing an amendment to the SOI, LAFCO must review applicable local general plan policies and development proposals to ensure that LAFCO objectives for efficient development are achieved and that legal findings can be made. This suggests that it is appropriate for the City to first remove St. Vincent's/Silveira from the Planning Area, so that LAFCO may consider the City's General Plan in its update of the SOI.

This process is explained on page III - 1 of the Draft EIR, which states:

LAFCO currently includes the properties of St. Vincent's School for Boys and the Silveira Ranch within the San Rafael Sphere of Influence. Consistent with City Council Resolution [City Council Resolution 11237], the City has requested that LAFCO remove the St. Vincent's and Silveira Ranch properties (St. Vincent's/Silveira properties) from San Rafael's Sphere of Influence. Also consistent with the Resolution, *Draft General Plan 2020* would not include those lands within the Planning Area nor policies addressing the future of these properties, as the Marin Countywide Plan will determine future land uses.

As described in Response to Comment 134-4, the City has already begun the process with LAFCO. Future activities contemplated by the City include a formal resolution requesting the change and consulting with the County, as required by Government Code sections 56425 and 56428 prior to forwarding the resolution to LAFCO.

Response to Comment 134-15

The commentor is incorrect that the Draft EIR fails to identify the difference between City and Marin Congestion Management Agency ("CMA") methodologies for determining the level of service ("LOS") for roadway segments. The City's methodology is explained on page IV.2 - 8 of the Draft EIR:

When necessary, the City of San Rafael has analyzed roadway segments according to criteria presented in Exhibit IV.2-6. Urban street LOS is based on average vehicle travel speed for the segment under consideration. The average travel speed is computed from the running times on the street and the control delay of through movements at signalized intersections. This "free flow speed" is one of the components used to determine roadway segment's LOS, as shown in the exhibit. San

Rafael uses “Urban Street Class level IV” (shaded column in Exhibit IV.2-6) to identify LOS for San Rafael’s roadway segments.

The Draft EIR goes on to explain that the CMA determines roadway LOS standards for some arterials, and explains the methodology:

The Marin County Congestion Management Agency (CMA) determines roadway LOS standards for Second Street, Third Street, and Fourth Street arterials. The level of service methodology, which applies for freeway segments as well, is based on a level that was adopted for the *1991 Congestion Management Plan*. Under this methodology, the levels of service are based on the volume-to-capacity (V/C) ratios for each roadway segment. A V/C ratio is a measure of the degree to which the total capacity of a roadway is used by vehicles. When V/C exceeds 1.00, the roadway is congested with longer queues and extended delays with stoppages for long periods of downstream congestion. (Draft EIR, pp. IV.2-10 to IV.2-11.)

Both the CMA and City LOS results are shown because while the roadway segments are within the Planning Area, the CMA establishes the applicable LOS standard for some of the roadway segments (Second, Third and Fourth Street arterials). (See Draft EIR, pp. IV.2-8, IV.2-11.)

Response to Comment 134-16

The commentor does not provide an example of this alleged defect in the Draft EIR. The City notes, however, that the commentor apparently misconstrues the nature of *Draft General Plan 2020* policies. They are not mitigation measures, they are part of the project itself. The City disagrees that the Draft EIR contains insufficient information explaining how the policies will ensure that impacts are less than significant.

Response to Comment 134-17

The City disagrees that Mitigation Measure IV.9-1 is vague. The mitigation measure addresses the gap in the City’s existing and proposed policies in *Draft General Plan 2020*: the potential for damage or loss during an earthquake and prior to mitigation. Thus, Mitigation Measure IV.9-1 requires a General Plan policy that would require post-earthquake building inspections of critical facilities, and restrict entry into compromised structures. (Draft EIR, page IV.9 - 6.) The policy must also require inspections as necessary in conjunction with other non-city public agencies and private parties for structural integrity of water storage facilities, storm drainage structures, electrical transmission lines, major roadways, bridges, elevated freeways, levees, canal banks, and other important utilities and essential facilities.

The mitigation measure also provides specific information on how the City shall implement the policy. The City shall adopt an implementing program to identify a list of facilities that would be inspected. The Community Development Department shall prepare a list that identifies City-owned essential or hazardous facilities as defined by Category 1 and 2 of Table 16-K of the Uniform Building Code, and shall prioritize the list for inspection scheduling purposes in case of an earthquake.

Further clarification of how the mitigation measure will be implemented is provided in the Draft EIR, which explains that the City shall immediately perform a post-earthquake inspection by an emergency response team whose composition shall include building inspectors. This team shall, as needed, be assisted by structural and geotechnical engineers selected beforehand by San Rafael to provide the adjunct services necessary to evaluate damage levels, and restrict use or entry as found necessary.

The Draft EIR properly concluded that this mitigation measure, along with the other policies of *Draft General Plan 2020* will mitigate potential seismic ground shaking impacts to a less than significant level. The proposed policies discussed in the Draft EIR, policies **S-4** through **S-7**, mitigate the impacts of seismic ground shaking on new buildings. As discussed in the Draft EIR, the 1992 Unreinforced Masonry ordinance eliminated a significant area of potential hazard due to existing building conditions. Mitigation Measure IV.9-1, is therefore designed to mitigate the remaining potential hazard: the risk due to post-earthquake instability.

Response to Comment 134-18

In preparing the Draft EIR, the City performed an exhaustive study of all the signalized intersections and many of the unsignalized intersections and arterial roadway segments in the City. First, the City identified the existing and baseline level of service (LOS) at each of these intersections and roadway segment. (Draft EIR, Appendix VIII.3-9, Exhibits VIII.3-3 and VIII.3-4.) Then the City added traffic from anticipated development to forecast the LOS if the planned development was built. The City then identified which intersections and roadway segments would require improvements to maintain an acceptable LOS. The City then described the type of improvements necessary, estimated the costs and identified funding sources. (Exhibit IV.2-14, Draft EIR, pages IV.2 - 27 to IV.2 - 29.) The City also discussed specific intersections and roadways segments where significant unavoidable traffic impacts are expected and evaluated potential mitigation measures to reduce the impact. (Draft EIR, pages IV.2 - 30 to IV.2 - 36.)

The commentor is incorrect that the Draft EIR “merely states that ‘implementation of improvements listed in Exhibit IV.2-14 are anticipated to occur within the planning period.’” As explained in the Draft EIR, the improvements are expected to be implemented during the planning horizon of *Draft General Plan 2020* based on anticipated (and reasonably certain) funding sources from transportation mitigation fees, State and Federal grants, and local funding. (Draft EIR, page IV.2 - 26.) Exhibit IV.2-14 indicates that nearly \$52 million in improvements would be needed to maintain desired LOS. Of this amount, \$33.6 million is anticipated from traffic mitigation fees, the rate of which will be increased in conjunction with the adoption of *Draft General Plan 2020*. (The City’s traffic mitigation fee account currently has a balance of almost \$9 million.) The remaining \$18.3 million is anticipated from Redevelopment Agency and from Federal and State funds. The Draft EIR accounts for an anticipated reduction in the Federal and State funds. (Draft EIR, page IV.2 - 29.)

The Draft EIR also explains the link between timing of development and the timing of improvements. (Draft EIR, page IV.2 - 29.) The timing of implementation of anticipated transportation improvements is critical to retain acceptable LOS. As indicated in Exhibit IV.2-14, many improvements would not be required unless anticipated development in the vicinity occurs. *Draft General Plan 2020* policy **LU-2 Development Timing** would preclude the approval of new development projects that would require transportation improvements to retain desired LOS unless funding has been committed and the environmental review process for the improvement has been completed. (Draft EIR, page IV.2 - 29.)

The City’s past successes in implementing proposed traffic improvements provides substantial evidence that the City’s funding and planning mechanisms will result in the improvements being in place in time. Between 1988 and the present, approximately \$30 million in transportation improvements were made, including the extension of Andersen Drive, the Merrydale/101 Overcrossing, the connection of Lincoln Avenue and Los Ranchitos Road, and improvements at the Civic Center/N. San Pedro Road intersection. Approximately half of the \$30 million in funding came from traffic mitigation fees and developer contributions from new development projects and half from the Redevelopment Agency and from Federal and State transportation funds.

More specificity on the actual timing of the improvements is not possible because the timing depends on development. That is, many of the improvements will be funded wholly or in part by the development that will lead to the necessity for the improvements. Thus, the City can not be more specific regarding the timing absent information regarding when development applications will be submitted.

The commentor is also incorrect in stating that the Draft EIR fails to analyze the outcome if the improvements are not in place. Exhibit IV.2-12 lists the expected LOS for every intersection that would exceed the acceptable LOS without the planned improvements. (Draft EIR, pages IV.2 - 23 to IV.2-24.) The discussion under Impact IV.2-1 describes the potential impacts if improvements are not in place. (Draft EIR, page IV.2 - 25.) Exhibit VIII.3-4 provides even greater detail. It sets forth the anticipated LOS at every intersection in the City, both with and without *Draft General Plan 2020* roadway improvements.

Response to Comment 134-19

The Draft EIR provides more than “bare opinions” regarding scenic resources. First, *Draft General Plan 2020* identifies the visually significant hillsides, ridges and landforms that are of most concern. The Draft EIR acknowledges that views to the Bay from these hillside areas could also be impacted by development pursuant to *Draft General Plan 2020*. (Draft EIR, page IV.7 - 3.) The Draft EIR also explains the two changes in *Draft General Plan 2020* that could affect these scenic vistas: an additional six feet of building height in the Neighborhood Commercial land use designation and a one or two story height bonus for affordable housing in the North San Rafael Town Center.

The Draft EIR also explains that policies **CD-5 Views** and **CD-6 Hillsides** and Bay reduce these impacts to less than significant levels. Policy **CD-5 Views** provides:

Preserve and enhance, where desirable, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets and parks.

Policy CD-6 Hillsides and Bays provides:

Protect the visual identity of the hillsides and Bay by controlling development within hillside areas, providing setbacks from the Bay, and providing public access along the Bay edge.

Any new development would have to comply with these standards, which are protective of scenic vistas. Absent specific development proposals, the Draft EIR could not be more specific as to how these policies will reduce visual impacts. The Draft EIR for *Draft General Plan 2020* is a programmatic EIR. As such, the Draft EIR does not need to be as detailed as an EIR on the specific projects that might follow. (CEQA Guidelines, § 15146, subd. (b).)

Response to Comment 134-20

The City disagrees that the Draft EIR does not provide sufficient information regarding potential impacts to parking. The City engaged in a detailed examination of available parking in three specific areas where implementation of *Draft General Plan 2020* could reduce the availability of parking: Las Gallinas Avenue, Grand Avenue, and Lincoln Avenue. In order to determine whether impacts would be significant, the City conducted parking surveys. In two cases, the City determined that, based on timing of use and nearby available parking, impacts would be less than significant. In the case of Lincoln Avenue, however, impacts would remain significant and unavoidable. The City made this

determination after examining possible mitigation measures and determining they were infeasible. (See Draft EIR, pages IV.2 - 41 to IV.2 - 43.)

The commentor appears to refer to the Draft EIR's discussion of parking in newly-developed areas of the City, under Impact IV.2-14. This discussion acknowledges that future development will cause an increased demand for parking. The discussion also acknowledges that the City's zoning code requires new development to provide adequate on-site parking. The Draft EIR, therefore, determines that implementation of *Draft General Plan 2020* will have less than significant parking impacts from new development.

The commentor states that the City must quantify the additional parking demand created by *Draft General Plan 2020* to determine whether impacts to parking would be significant. Such an analysis is beyond the scope of this programmatic EIR. Such an analysis would require the City to speculate as to potential development applications Citywide over the next 16 years. The City would then have to evaluate parking parcel by parcel to determine adequacy. CEQA does not require such specific analysis in *Draft General Plan 2020* EIR. (CEQA Guidelines, § 15146.)

CEQA contemplates that individual projects will require further environmental review if they will cause significant impacts not identified by the Draft EIR for *Draft General Plan 2020*. Such project-specific environmental review is the appropriate time to analyze the potential parking impacts from proposed development. (See *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 371; *Twain Harte Homeowners Association, Inc. v. County of Tuolumne* (1982) 138 Cal.App.4th 664, 677; CEQA Guidelines, § 15146.)

Response to Comment 134-21

The commentor is correct that CEQA imposes a duty to mitigate significant effects on the environment to the degree feasible. (Pub. Resources Code, §§ 21002, 21002.1, subds. (a), (b); CEQA Guidelines, §§ 15126.2, subd. (b), 15126.4.) The commentor is incorrect, however, in its statement that the Draft EIR "refused to assess" possible mitigation measures. The six Transportation and Circulation impacts identified as significant and unavoidable are:

Impact IV.2-3 Level of Service at Third Street and Union

As discussed in the Draft EIR, the intersection at Third Street and Union would be expected to continue to operate at an acceptable level of service ("LOS") even with development proposed under *Draft General Plan 2020*. (Draft EIR, page IV.2 - 30.) However, the City proposes improvements at this intersection to improve pedestrian safety which, if implemented, could cause the LOS to fall to LOS E. Thus, traffic impacts will only be significant because of improvements for pedestrian safety. The City evaluated two possible mitigation measures: decreasing the signal cycle length to improve traffic; and, not installing the pedestrian safety improvements. The City's determination to protect pedestrian safety renders these possible mitigation measures infeasible, and the impact therefore remains significant and unavoidable.

Impact IV.2-4 Level of Service at Lincoln Avenue and US 101 Southbound Ramps

As explained in the Draft EIR, the City has examined possible mitigation measures to reduce this significant impact. Those potential mitigation measures include: widening the southbound approach to provide two southbound left turn lanes and two through lanes; widening the northbound approach to provide two northbound through lanes, and widening the on-ramp to provide two lanes for an adequate merge area. (Draft EIR, page IV.2 - 31.)

The Draft EIR also explained, however, that these mitigation measures are not feasible. These improvements would require substantial right-of-way acquisition and roadway widening. The costs of these improvements would be substantial and would require eliminating land uses to accommodate the widening. The EIR preparers therefore determined these mitigation measures are infeasible. Furthermore, the City does not have a policy that would support eliminating existing land uses to accommodate right-of-way acquisitions for freeway improvements. (Draft EIR, page IV.2 - 31.)

Impact IV.2-5 Level of Service at Mission Avenue and Irwin Street

The City has also examined possible mitigation measures to reduce this impact. The City determined that in order to improve operations and the LOS at the ramp, the City would have to widen Mission Avenue to provide an additional eastbound left turn lane (for two eastbound left turn lanes), widen Irwin to provide an additional through lane onto Highway 101 (for three through lanes) and retain one right/through lane, and widen the on-ramp to three lanes with an extension of one of the lanes to provide adequate merge area. The costs of this mitigation would be extraordinary, however. The improvements would require modifying the Highway 101 viaduct's support structure on Mission Avenue, acquisition of right-of-way along Belle and Mission and Irwin, demolition of existing buildings at the intersection and relocation of the sound wall further east. The EIR preparers therefore determined that these mitigation measures are infeasible. (Draft EIR, page IV.2 - 32.)

Impact IV.2-6 Unacceptable City Roadway Segment Level of Service

As explained in the Draft EIR traffic operations on A Street and on Freitas Parkway is expected to degrade to an unacceptable LOS with *Draft General Plan 2020*. This is so even with traffic improvements anticipated in *Draft General Plan 2020*.

The City therefore examined possible mitigation measures. In order to improve operations and reduce LOS on these segments, the City would have to widen A Street to provide an additional lane, or, modify signal timing and widen Freitas Parkway and overpass and realign the Highway 101 southbound and northbound on- and off-ramps. Widening A Street would require extremely expensive right-of-way acquisition, due to the development pattern of buildings close to the street. In addition, the impacts of losing the land uses in Downtown would be substantial, as they are essential to the well-being of the local economy. Changing the traffic signal coordination to improve operations on A Street would result in not meeting the City's policy to maintain Congestion Management Program's LOS standard for Second and Third Streets. The expansion of Freitas and redesign of Freitas interchange would require right-of-way acquisition on Freitas between Las Gallinas and Del Presidio and modifications to North San Rafael's main storm drainage along Freitas. The EIR preparers found these mitigation measures to be infeasible because of the extraordinary expense and required removal of existing buildings. (Draft EIR, page IV.2 - 33.)

Impact IV.2-9 Level of Service along US 101 and I-580 Mainlines Freeways

The analysis in the Draft EIR, which projects significant cumulative impacts on these freeways, includes completion of the Marin 101 Gap Closure Project. The Draft EIR, therefore considers additional mitigation measures which could reduce this significant impact. The City determined that to improve operations and LOS, the US 101/ I-580 interchange would have to be redesigned with a reconfiguration to include additional lanes and longer merge areas and/or a flyover. In addition, US 101 would have to be expanded with additional northbound and southbound lanes.

The EIR preparers determined, however, that these mitigation measures are infeasible. Impacts from interchange reconfiguration and additional freeway expansion would be considerable because a wider

right-of-way beyond that already achieved for the Gap Closure Project would result in demolition of land uses essential to the well-being of the local economy and City finances. These potential mitigation measures would require extensive design and environmental work, as well as funding for land acquisition and construction of significant new infrastructure. (Draft EIR, page IV.2 - 40.)

Impact IV.2-13 Removal of On-Street Parking Spaces along Lincoln Avenue

As explained in the Draft EIR, *Draft General Plan 2020* is expected to result in significant parking impacts along Lincoln Avenue due to traffic improvements designed to improve the LOS along Lincoln Avenue. Possibilities for mitigating this impact include building additional parking structures, or widening Lincoln Avenue without removing parking spaces. Either option would require the City to eliminate existing land uses, and therefore neither is considered feasible.

There are no additional mitigation measures that could potentially reduce these impacts, nor have any been suggested by the commentor or any other commentors.

CEQA recognizes that in some instances there will be no feasible mitigation measures. CEQA therefore, allows lead agencies to determine that an impact is significant and unavoidable. In those situations, CEQA requires the lead agency to weigh these significant unavoidable impacts against the benefits of the project before adopting the project. (Pub. Resources Code, § 21081.)

The commentor also states that “the DEIR repeatedly relies on an unidentified study by the City, which, in each instance, leads to a decision that mitigation would be too costly or infeasible.” No citation is provided and it is not clear what the commentor is referring to.

Response to Comment 134-22

The information in the Background Report supports the conclusion made by the City’s expert “[t]here will always be more jobs than employed residents.” The Background Report supports the conclusion that there will be more jobs than employed residents during the timeframe of *Draft General Plan 2020*. Whether or not the statement will *always* be accurate has no bearing on the environmental review in the Draft EIR or on the City’s determinations as set forth in the Housing Element. As set forth in Response to Comment 134-6, the City has identified adequate housing sites and has analyzed the impacts of *Draft General Plan 2020*. The City has further explained that implementation of *Draft General Plan 2020* will improve the jobs/housing ratio. (Draft EIR, p. IV.1-14.) Moreover, there is no evidence that including the St. Vincent’s/Silveira properties within the Planning Area would improve the jobs/housing balance.

Response to Comment 134-23

The City disagrees that the Draft EIR’s presentation of information is “unnecessarily complicated.” *Draft General Plan 2020* and the Draft EIR are nearly four years in the making. Long range plans necessarily are comprehensive and involve a vast amount of information which a city will rely on in future planning decisions. The format of the planning documents follows the City’s consideration of *Draft General Plan 2020*. The Background Report was first prepared to inform the City of the existing environmental setting in order for the City to formulate the policies of *Draft General Plan 2020*. The City, in a lengthy public process, then developed *Draft General Plan 2020*. The Background Report and *Draft General Plan 2020* were the basis for the Draft EIR. The three volumes, which are all incorporated by reference, are accessible and easy to read, while providing a significant amount of environmental information. The City has received comments from the public that were supportive of the contents and format of the documents. For example, Mr. Jim Gonsman

stated “I am impressed with [the Draft EIR’s] ease of use and thoroughness and have no comments or suggestions on ways to improve it. . . .” Nor does the commentor suggest any ways to improve the Draft EIR.

Response to Comment 134-24

As discussed above, before formulating the policies of *Draft General Plan 2020*, the City prepared an exhaustive Background Report. The Background Report sets forth most of the “environmental setting” information for the Draft EIR. Reprinting all of the information within the Draft EIR would result in an unnecessarily large document. (CEQA Guidelines, § 15141 (the text of draft EIRs should normally be less than 150 pages).) The City, therefore, chose to incorporate the Background Report by reference, as specifically provided in CEQA. (CEQA Guidelines, § 15150.) The Draft EIR then updated the information from the Background Report or provided additional information where necessary. The impacts of implementing *Draft General Plan 2020* were then compared against this environmental baseline, as contemplated by CEQA.

Response to Comment 134-25

The City disagrees that summarizing *Draft General Plan 2020* policies in the Draft EIR rather than reproducing them in full is improper or inconvenient. Reprinting each and every policy within the text of the Draft EIR would result in an unnecessarily lengthy and duplicative document. The Background Report, *Draft General Plan 2020*, and the Draft EIR are each incorporated by reference and were all available for public review as a three volume set. (CEQA Guidelines, §§ 15141, 15150.)

Response to Comment 134-26

The Background Report for the Housing Element is attached to *Draft General Plan 2020* as an appendix. All of the necessary supporting information for the Housing Element is included in the appendix. The City believes the document is clearer and easier to understand with this information separated from the text of *Draft General Plan 2020*, which sets forth the Goals and Policies for the Housing Element. State law allows the City the flexibility to determine its own format for its Housing Element. (Gov. Code, § 65301, subd. (a).) HCD did not comment on this format.

Response to Comment 134-27

While the commentor might feel that the charts included in the Draft EIR are “superfluous” or “useless,” the City, and many of its residents disagree. The City performed a comprehensive analysis of existing, baseline, and projected traffic conditions for each intersection and most roadway segments in the City. Rather than focusing on only a few intersections, the City felt it was important to present all of the information. Each City resident, therefore, has easy access to information on the particular roadway segments and intersections that are relevant to that resident. There is nothing in CEQA that discourages full disclosure of potential impacts.

Response to Comment 134-28

The commentor refers to other “unclear statements” that “run rampant” through the Draft EIR, but no citation is provided. Based on this comment, however, the text on page IV.11 - 1 is revised as follows:

Within the San Rafael Planning Area there are roughly 3,000 acres of lands identified as *Grazing Land* and an estimated ~~1,000~~ 48 acres of land identified as *Farmland of Local Importance* as

defined by the California Department of Conservation.¹⁶ All of these farmlands are located in the northern part of the Planning Area and none of these lands are located within the San Rafael City Limits.

~~The majority of the *Farmland of Local Importance* is on the St. Vincent's/Silveira properties, located between San Rafael and Novato, east of Highway 101. These properties, however, are no longer in the San Rafael Planning Area. Twenty acres of land on property formerly known as the Grady Ranch and 28 acres of land on Lucasfilm property have also been identified as *Farmland of Local Importance*.~~

All of the land identified as *Grazing Land* is located along Lucas Valley Road, north of San Rafael and west of Highway 101. The majority of this land is protected through the Lucas Valley Open Space Preserve and the Lucas Valley Homeowners Association, both on the northern side of Lucas Valley Road.

Response to Comment 134-29

The Draft EIR (dated February 2004) was published subsequent to the Background Report (dated April 12, 2001). As stated on page III-8 of the Draft EIR there is a loss of 943 acres from the Planning Area as a result of the removal of the St. Vincent's/Silveira properties from the Planning Area. This loss is shown in Exhibits III.3-2 and III.3-4.

With this clarification, the City believes there are no inconsistencies between the documents regarding the development potential of the St. Vincent's/Silveira properties. Although presently in the Planning Area, the City proposes to remove them because of limited development potential.

Response to Comment 134-30

In regard to the protection of scenic resources (*Impact IV.7-1*) the commentor is incorrect that the Draft EIR assumes that the allowable one or two story height bonus for affordable housing in the North San Rafael Town Center will not be built. What the Draft EIR does indicate is the proposed policies (such as **CD-5 Views**) and the City's design review process will ensure that new development (such as the height bonuses) will be implemented in such a way as to protect and enhance scenic vistas. Ensuring that new development incorporates desirable scale (such as controlling the building mass) and design features (such as building orientation to allow for specific views or not allowing highly reflective surfaces) will allow projects with height bonuses to proceed without adversely affecting scenic resources.

Response to Comment 134-31

The Draft EIR acknowledges that if these parcels were to redevelop, the additional height could affect views of nearby surrounding hillsides. However, as discussed above in Response to Comment 134-30, the City's Community Design policies (**CD-5 Views** and **CD-6 Hillsides and Bay**) would ensure that

¹⁶ *Grazing Land* is defined as "Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres."

Farmland of Local Importance is defined as "Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee." For Marin County this includes "Land which is not irrigated, but is cultivated; or has the potential for cultivation."

new development respects scenic vistas. Thus, the commentor is incorrect that the City “is not capable of providing for this housing.” Moreover, the commentor is also incorrect that there is an inconsistency with the City’s design policies and housing goals.

Response to Comment 134-32

The Draft EIR is based on the Housing Element and the Background Report. Both are exhaustive and are based on substantial evidence. Except for one minor request, the California Department of Housing and Community Development (“HCD”) has confirmed that the City’s Housing Element is adequate. HCD has requested more information on ten potential housing sites, which the City is providing. HCD confirmation that the Draft Housing Element complies with State law requirements is expected following submittal of the Planning Commission’s recommended draft Housing Element. The Draft EIR is not based on “unsupported assumptions” as the commentor states; it is based on the draft Housing Element and Background Information, and on the General Plan 2020 Background Report.

Response to Comment 134-33

The employment and population numbers shown in Draft EIR Exhibit IV.1-4 Population, Households, and Employment – San Rafael Planning Area are from the Marin County Community Development Agency. The numbers are based on San Rafael’s *Draft General Plan 2020* land use assumptions for traffic modeling and the County’s assumptions for growth in the Planning Area. The calculations for employment and population are made using the Association of Bay Area Government’s methodology for converting and projecting employment and population based on commercial square feet and housing units.

Response to Comment 134-34

The commentor states that the information is out of date because it is based on 1998 data. The County reports that is the latest year data is available. According to California Department of Finance estimates, Marin County population growth was only 2.4% between 1998 and 2004. With the slow economic growth given the recent economic downturn, the degree of change over the past six year is insignificant, and the data are accurate for purposes of the EIR.

The City agrees that jobs/housing balance is not itself an environmental objective, but is instead an indicator of the number of jobs in a community compared with the number of housing units. As an indicator, the jobs/housing ratio, gives a sense of whether a community may be a primarily residential or commercial center, and how many units are in a city compared with the number of jobs.

The General Plan, in accordance with State Housing Element requirements, identifies housing needs, including the problems of overcrowding and overpaying for housing. Indeed, the lack of affordable housing is forecast to be a continuing problem. The Land Use and Housing Element include a number of programs to address the need for more affordable housing, including:

- Allowing housing in commercial districts
- Requiring a higher percentage of affordable units in new development
- Applying a jobs/housing fee to new commercial development
- Leveraging Redevelopment funds to assist with production of affordable housing

The “problem” of workforce housing, is therefore not “forecasted to get worse” as asserted by the commentor. Nor is there any support cited for this statement. An improvement in the jobs/housing balance would mean that there would be more housing compared to the number of jobs in the community. However, it would be extremely speculative to estimate for the next 16 years the types of

new jobs that will be created, compared with the income levels of people who will be looking for a place to live in San Rafael. Nonetheless, given the limited amount of vacant single-family lots, most new residential development will likely be multifamily. In City surveys of rents, multifamily housing has consistently been found to be affordable to low- and moderate-income households. This information and other background on rents is available in Appendix B (page 317) of the draft Plan.

Contrary to what the commentor states that there is no support for the premise that job growth will be slower than it has been in the past, the DEIR notes in several places that San Rafael is an almost completely ‘built out’ community with very limited opportunities for new development. For example, in the project description about the Land Use Element, page III - 5, the DEIR states that ‘San Rafael is a built-out community with limited development opportunities.’ Pages III - 7 to III - 8 describe land use changes, nearly all of which provide for additional housing opportunities but not an expansion of commercial growth potential. The General Plan did not expand commercial growth potential: open space areas were not redesignated for commercial development, nor were existing nonresidential areas given a higher development potential, such as a higher height or floor area ratio limit. Additionally on page III - 17, the EIR explains the Plan’s projected growth, noting that the “City recognizes that little vacant land remains for development, that redevelopment of an existing building is more difficult to achieve and thus occurs at a slower pace than developing vacant land, and that incremental growth through redevelopment is small.”

The Background Report explains, as well that “North San Rafael is almost completely built out, with very little vacant land left for development” (page D-16), “East San Rafael has the economic opportunity offered by the existence of underutilized miniwarehouse and storage areas and a limited amount of remaining vacant land” (page D-19), “Central San Rafael’s economic opportunities lie in [two sites] ...Loch Lomond Marina and Dutra properties.” (page D-21), “Downtown is reaching its traffic capacity limits.” (D-23).

The EIR is not required to analyze projected job growth by sector. San Rafael has a diverse economy, as noted in the Background Report: the larger sectors are Business Services (22%), Retail Services (15%), Professional Services (12%), Personal Services (10%), and Building-Related Services (9%). Jobs growth depends on a wide variety of factors, including the national and State economy and the availability of land. It is the City’s goal to do its best effort to provide adequate sites and housing opportunities to meet San Rafael’s need for very low, low, moderate and above moderate income households per the Regional Housing Needs Determinations. Similar to other communities in the Bay Area, San Rafael faces the challenge of finding sufficient resources to provide lower income housing opportunities. It is the intent of the draft Plan to promote housing of all types to meet the varied needs of its population. Policies and programs in the Draft Housing Element address this issue specifically. From a land use standpoint, the Plan’s policies focus on changes to the land use districts to allow more housing opportunities, and on ways to facilitate housing for special needs populations (homeless, seniors, and others). By adding more housing and limiting new commercial development, San Rafael is striving to improve the jobs/housing relationship.

Response to Comment 134-35

According to CEQA, “cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (CEQA Guidelines, § 15355.) The Draft EIR’s explanation that “cumulative impacts are those that, if added to the impacts of *Draft General Plan 2020*, would increase the severity or significance of the impacts of *Draft General Plan 2020*, reflects CEQA’s definition of cumulative impacts. The City believes the Draft EIR’s definition of cumulative impacts clarifies the concept of cumulative impacts for the lay reader. Nevertheless, the EIR has been revised to include the specific definition of

cumulative impacts provided by the CEQA Guidelines. The revised *Section V.5 Cumulative Impacts* is included in *Section IX.6 Revisions to the Draft EIR* of this report.

Response to Comment 134-36

As a programmatic EIR for the comprehensive update of the City’s General Plan, the analysis in the Draft EIR is, in essence, cumulative. In other words, the Draft EIR considers the cumulative impact of development pursuant to *Draft General Plan 2020*. Thus, in many impact areas, the cumulative impact analysis is limited to the Planning Area and development pursuant to *Draft General Plan 2020*. As an example, the impacts of development pursuant to *Draft General Plan 2020* on visual quality would be limited to the Planning Area. Development beyond that planned in *Draft General Plan 2020*, such as future development pursuant to the current or pending Marin Countywide Plan would not be cumulative with *Draft General Plan 2020* development as visual quality impacts tend to be limited to the proximity of development.

In some impacts areas, development pursuant to *Draft General Plan 2020* would contribute to a cumulative impact beyond the Planning Area. For instance, in preparing the traffic projections for this EIR two traffic modeling efforts were undertaken. The first effort modeled traffic at intersections and segments of local streets. The second effort modeled traffic on regional systems (i.e. US 101). Both of these modeling efforts included projected growth within the Planning Area, as projected under *Draft General Plan 2020*. These efforts also included the Marin County Community Development Agency (CDA) land use assumptions for Marin County and Association of Bay Area Governments (ABAG) land use assumptions for the Bay Area, as processed by the Metropolitan Transportation Commission (MTC). In instances where development beyond *Draft General Plan 2020* would compound or increase impacts, that additional development is discussed. (See for example, Transportation and Circulation, Air Quality, and Public Services discussions). The Draft EIR has been revised to clarify this analysis. The revised *Section V.5 Cumulative Impacts* is included in *Section IX.6 Revisions to the Draft EIR* of this report.

Response to Comment 134-37

The Cumulative Impacts discussion has been revised to more clearly define which development beyond that planned in *Draft General Plan 2020* would compound or increase the impacts of *Draft General Plan 2020*. See Response to Comment 134-36.

Response to Comment 134-38

The Draft EIR explains that the cumulative analysis for Land Use, Population, Employment and Housing impacts includes development within the Planning Area pursuant to *Draft General Plan 2020*. As explained in the Draft EIR, development pursuant to *Draft General Plan 2020* would not result in significant impacts. Thus, no significant cumulative impacts to Land Use, Population, Employment and Housing would occur. The Draft EIR acknowledges that the intensification of land uses has the potential to result in cumulative impacts, but finds that these impacts would not be significant. The EIR has been revised to clarify the analysis. The revised *Section V.5 Cumulative Impacts* is included in *Section IX.6 Revisions to the Draft EIR* of this report. CEQA does not require a more detailed discussion of less than significant cumulative impacts. (CEQA Guidelines, § 15130, subd. (a)(2).)

Response to Comment 134-39

The commentor is incorrect that the cumulative Transportation and Circulation impacts analysis “side steps” analysis. As explained in the Draft EIR, the traffic analysis prepared for *Draft General Plan*

2020 included projected growth within the Planning Area, as well as the Marin County Community Development Agency's land use assumptions for Marin County and Association of Bay Area Government's land use assumptions as provided by the Metropolitan Transportation Commission. (See Draft EIR, pages V - 8 to V - 9.) As explained in the Draft EIR, the methodologies relied upon by the City and the Congestion Management Agency are those set forth in the *Highway Capacity Manual*, which are commonly accepted. (See e.g., Draft EIR, page IV.2 - 6.)

Response to Comment 134-40

The information regarding the parking surveys is included in the Draft EIR in Exhibit VII.3-7 in Appendix VIII.3 Transportation Data. The specific information included in the discussion of cumulative impacts related to parking is included in Exhibit VII.3-7 in Appendix VIII.3, which is cited in the Transportation and Circulation discussion. (See Draft EIR, page IV.2 - 42.) All of the relevant information is therefore included in the Draft EIR.

Response to Comment 134-41

The Draft EIR provides an adequate discussion of these cumulative impacts. CEQA provides that the discussion of cumulative impacts "need not provide as great detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness. . . ." The cumulative impacts discussion represents a good faith and reasonable disclosure of such cumulative impacts. (See e.g., *Fair Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238; *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.)

Response to Comment 134-42

The commentor sets forth general CEQA requirements for an alternatives analysis, but does not comment on the Draft EIR's alternatives analysis.

Response to Comment 134-43

The City disagrees that the Draft EIR's analysis is inadequate. More detailed responses are provided below in Responses to Comment 134-44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, and 66.

Response to Comment 134-44

The Draft EIR has been revised to clarify that Alternative 1 reflects "baseline" conditions. The revised *Chapter VI. Project Alternatives* is included in *Section IX.6 Revisions to the Draft EIR* of this report.

Response to Comment 134-45

The purpose of an alternatives analysis is to identify alternatives that might reduce unavoidable significant impacts, while still achieving most of the project objectives. The City is limited in its options for alternatives to *Draft General Plan 2020*. The City is nearly built-out, so it is limited in potential land uses. The significant impacts of *Draft General Plan 2020* mainly relate to traffic; thus alternatives would necessarily have to reduce potential development to reduce the significant and unavoidable impacts. At the same time, the City is required to identify adequate housing sites, so a certain amount of housing must be planned.

Contrary to the assertion in the comment, the Draft EIR does in fact analyze a reasonable range of alternatives. The Draft EIR presents a range of potential development from minimal development (Alternative 1) to more intense development (Alternative 2). Alternative 3 presents a development scenario in between these two alternatives, as does the proposed *Draft General Plan 2020*. The Draft EIR has, therefore, provided the decisionmakers with sufficient information from which to extrapolate the impacts of hypothetical alternatives with unit counts falling somewhere between the identified alternatives. (See *Village Laguna of Laguna Beach v. Board of Supervisor* (1982) 134 Cal.App.3d 1022, 1028-1029.)

Response to Comment 134-46

The commentor is incorrect that Alternative 3 Reduced Development does not satisfy the City's mandatory legal obligations relating to the provision of housing. The Association of Bay Area Governments (ABAG) has determined that San Rafael's "Fair Share" Housing need for the period 1999 – 2007 is 2,090 total units. Of those, 638 units have already been constructed and 524 have been approved or are currently under review. Thus, the City is required to provide capacity for a total of 928 units for the period of 1999 – 2007. Alternative 3 would include the potential for approximately 2,611 units.

As explained in the Draft EIR, Alternative 3 was developed mainly to analyze an alternative that could potentially reduce significant and unavoidable traffic impacts. Thus, a reduced development scenario was proposed. The City's ability to reduce traffic impacts is, of course, constrained by its obligation to provide adequate housing. Alternative 3 is an attempt to balance these requirements. Alternative 3, therefore, is an appropriate alternative for consideration and was appropriately labeled the environmentally superior alternative.

Response to Comment 134-47

The commentor is incorrect that the Draft EIR "glosses over" the differences between Alternative 2 and the proposed project with respect to the St. Vincent's/Silveira properties. First, the traffic analysis for Alternative 2 assumes development at St. Vincent's/Silveira. (See Draft EIR, pages VI - 10 to VI - 14.) Furthermore, in every other impact area where the development of St. Vincent's/Silveira would affect potential impacts, that affect is specifically noted. For example, in the Visual Quality section, the significant unavoidable impacts to views in that area as a result of development are noted. (See Draft EIR, pages VI - 15 to VI - 16.) Similarly, the potentially significant impacts to biological resources (grasslands, riparian and oak savanna/woodland), hydrological resources (Miller Creek), and agriculture with the development of St. Vincent's/Silveira are noted. (See Draft EIR, pages VI - 16.) In other impact areas that are not as geographically specific, such as Public Services and Utilities the impact of the increase in development is noted. (See Draft EIR, page VI - 15.)

Response to Comment 134-48

The commentor suggests that the Draft EIR should have included an alternative that retains the General Plan 2000 policies related to St. Vincent's/Silveira, along with the proposed changes in *Draft General Plan 2020*. As discussed in the Draft EIR, however, such an alternative was specifically considered, but rejected for further consideration. (Draft EIR, pages VI - 23 to VI - 24.) Such an alternative, which includes development of urban land uses, was not considered because of the City's request to the Local Agency Formation Commission to remove the area from the City's Sphere of Influence. The City Council had previously taken action to deny a development application for the St. Vincent's property and had adopted resolutions stating an intent to remove those areas from the

Planning Area and seek their removal from the sphere of influence. None of those previous City Council actions were challenged.

Furthermore, there is no indication that such an alternative would reduce any unavoidable significant impacts of *Draft General Plan 2020*. The significant unavoidable impacts of the project include:

- Transportation/circulation impacts (Impacts IV.2-3, IV.2-4, IV.2-5, IV.2-6, IV.2-9, IV.2-13);
- Impacts related to rail noise (Impact IV.4-2);
- Release of hazardous materials (Impact IV.5-3);
- Public services impacts (Impacts IV.5-6 (police), IV.5-8 (parks), IV.5-9 (libraries));
- Impacts related to water and wastewater services (Impacts IV.5-11, IV.5-12); and
- Impacts related to the potential for landslides (Impact IV.9-3).

The suggested alternative would result in higher levels of development, which would not reduce and would even exacerbate these significant unavoidable impacts. There is no basis in CEQA, therefore, for considering such an alternative. (See CEQA Guidelines, § 15126.6, subds. (a), (b); see also *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376 (“CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects”).)

Response to Comment 134-49

The commentator suggests that the Draft EIR should consider development alternatives that reflect the recommendations of the Advisory Task Force and the St. Vincent’s Village Development Project submitted to the City. As with the alternative suggested in comment 48 above, there is no indication that any of these proposed alternatives would be feasible or reduce any of the significant unavoidable impacts of *Draft General Plan 2020*. (See CEQA Guidelines, § 15126.6, subds. (a), (b).)

The St. Vincent’s/Silveira Advisory Task Force recommended three different levels of residential development, each with a target average density of ten units per acre and each with an appropriate amount of nonresidential development between 125,000 and 310,000 square feet. The range of level of residential development specified 500 to 1,500 units. Combining any of these levels of development with that proposed in *Draft General Plan 2020* would not reduce any of the significant unavoidable impacts of *Draft General Plan 2020*. For example, such an alternative would not reduce any of the significant unavoidable traffic impacts, and could result in additional significant impacts on Highway 101. Nor would any of the other significant unavoidable impacts listed in Response to Comment 134-47 be reduced by this alternative.

The Task Force also recommended several policies designed to protect the resources on site such as Miller Creek, oak woodlands, and agriculture. However, none of these policies would reduce the significant unavoidable impacts identified for the proposed project, *Draft General Plan 2020*. Therefore, as explained above, there is no basis in CEQA for analyzing an alternative that includes development pursuant to the Task Force Recommendations.

Similarly, there is no indication that an alternative that includes the concept submitted as the St. Vincent’s Village project along with *Draft General Plan 2020* policies would be feasible or reduce significant unavoidable impacts, or assist in meeting the project objectives. That proposal included 766 residential units and approximately 124,000 square feet of office/commercial development. Although the proposal was promoted as a low-traffic generating project, there was no evidence to support such a contention. In fact, the Preliminary Traffic Study found the project would result in

significant impacts to Highway 101. There is no evidence this increase in development would reduce any significant unavoidable impacts of *Draft General Plan 2020*.

The commentor notes a significant amount of study for the Task Force Recommendations and the St. Vincent's Village Development Project. The fact that these development scenarios have previously been studied, however, has no bearing on whether they are appropriately considered as alternatives in the Draft EIR for *Draft General Plan 2020*. In fact, the previous studies for these development scenarios support the City's determination not to consider them as alternatives, as there is no indication that either scenario would reduce any of the significant unavoidable impacts of *Draft General Plan 2020*.

Response to Comment 134-50

The commentor is incorrect that the City has proposed that the Local Agency Formation Commission (LAFCO) make its decision on the Sphere of Influence (SOI) based on the EIR for *Draft General Plan 2020*. In fact, as explained above in Response to Comment 134-4, LAFCO expects to begin the process for its five-year update of the City's SOI this summer. LAFCO will take the City's request to remove St. Vincent's/Silveria from the SOI into consideration in this process. LAFCO has informed the City that it plans to proceed with its own environmental review for the SOI update.

The Draft EIR for *Draft General Plan 2020* looks only at the broader policy decisions considered in *Draft General Plan 2020*. Regarding the St. Vincent's/Silveira properties, *Draft General Plan 2020* proposes to remove this area from the Planning Area. The Draft EIR considers the environmental impacts of this basic level of planning – should the property be developed with urban uses or not. The Draft EIR for *Draft General Plan 2020* provides the decisionmakers with sufficient information to make this decision.

Response to Comment 134-51

The Draft EIR more than adequately addresses the housing and environmental issues implicated by *Draft General Plan 2020* and the proposal to remove the St. Vincent's/Silveira properties from the Planning Area. (See Response to Comment 134-43.) As discussed above in Response to Comment 134-45, there is no basis in CEQA for evaluating alternatives that include some level of development on the St. Vincent's/Silveira properties as there is no evidence that any level of development in those areas would reduce any significant unavoidable impacts of *Draft General Plan 2020*.

The commentor is incorrect in stating that the Draft EIR “must also include one or more alternatives that examine options for replacing the planned housing that will be eliminated in the absence of the Properties from the City's *Draft General Plan 2020*.” First, as set forth above in Response to Comment 134-6, the City's obligation is to meet its “Fair Share” obligations as established by ABAG, which the City has done. The Draft EIR for *Draft General Plan 2020* has evaluated the impacts of providing these housing opportunities within the revised Planning Area.

CEQA does not require an analysis of alternatives of a portion of the project. (*Big Rock Mesas Property Owners Association v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 227; *A Local & Regional Monitor v. City of Los Angeles* (1993) 16 Cal.App.4th 630, 642, fn. 8 (“the statutes do not require alternatives to various facets of the project”).) In other words, CEQA requires the Draft EIR to consider alternatives to the *proposed project (Draft General Plan 2020)* that could substantially reduce the project's significant unavoidable impacts. CEQA does not require the Draft EIR to evaluate alternatives to various portions of the General Plan (i.e., St. Vincent's/Silveira, the Housing Element).

From a practical standpoint, there are literally thousands of alternatives to *Draft General Plan 2020* that could be contemplated or suggested. As discussed above, there is no evidence that any level of development at St. Vincent's/Silveira will reduce any significant unavoidable impacts of *Draft General Plan 2020*. The City has considered a range of alternatives. The Draft EIR provides decisionmakers will sufficient information to extrapolate the impacts of hypothetical alternatives with unit counts in between those considered, and is therefore adequate. (*Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029; See also *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 712-714 (court rejects claim that EIR had to analyze additional alternatives with varying densities, as any new development at the site at any density would unavoidably affect the existing open space visual character of the site vicinity); *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376 ("CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects").)

Thus, there is no basis for the Draft EIR to consider alternatives that examine options for "replacing" the housing at St. Vincent's/Silveira previously planned in General Plan 2000.

Response to Comment 134-52

As discussed in Response to Comment 134-45, there is no evidence that development at any level at St. Vincent's/Silveira will reduce any significant unavoidable impacts. To the contrary, substantial evidence indicates that such development will only increase significant impacts. Furthermore, there is no basis for presuming that any development at St. Vincent's/Silveira would "drastically reduce traffic and air pollution impacts due to jobs-housing imbalance in the area."

Instead of planning on providing housing on the fringe of the developed area, *Draft General Plan 2020* proposes to locate housing in already developed areas. This approach puts residents near services and jobs, providing a more pedestrian-oriented plan for development, utilizing existing services more efficiently and achieving one of the key themes of *Draft General Plan 2020* – preserving San Rafael's open spaces.

Response to Comment 134-53

The City disagrees that the Draft EIR's alternatives analysis is too general and conclusory for a meaningful evaluation. To the contrary, a detailed traffic analysis was provided for each alternative. The results of this analysis are set forth in detail, impact by impact, so that the decisionmakers and the public have substantial information on whether the alternatives will substantially reduce significant unavoidable impacts, or lead to increased severity of traffic impacts. This is particularly important in evaluating the alternatives, because the bulk of the significant unavoidable impacts of *Draft General Plan 2020* are transportation impacts.

In other impact areas, the Draft EIR is more qualitative. This is so because, from a practical standpoint, the impacts of the alternatives can only be compared on a qualitative basis. Generally, more intense development will increase impacts to some degree. Without specific proposals for development it would be too impractical to be more specific. It should be noted that as an EIR for a general plan, the Draft EIR is necessarily less detailed than a project-specific EIR. (CEQA Guidelines, § 15146.) As such, the alternatives analysis will necessarily be less detailed. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745-746.)

Response to Comment 134-54

The commentor is incorrect that the analysis of Biological Resources impacts of Alternative 2 is not specific. The analysis discusses the three currently undeveloped areas (Canalways, San Rafael Airport, and St. Vincent's/Silveira properties) that could be developed under this alternative. It then sets forth the habitat types that could be impacted by development of these areas.

At Canalways and the San Rafael Airport, wetlands habitat is of concern. At St. Vincent's/Silveira, the grasslands, agricultural, riparian, and oak savanna/woodland habitats would be impacted by development. (Draft EIR, page VI - 16.) A meaningful comparison of this alternative and the proposed project can be made from this information, as *Draft General Plan 2020* proposes either no new development or significantly less new development.

Based on this comment page VI - 16 of the Draft EIR is revised to include the following paragraph at the end of the Biological Resources discussion:

The St. Vincent's/Silveira properties consist primarily of non-native grassland habitat and agricultural fields, both of which provide open habitat utilized by numerous species for foraging, nesting, etc. There are a few patches of oak woodlands dispersed within the grassland habitat which provide roosting habitat, nesting habitat, and cover for various terrestrial species. Miller Creek, with its associated riparian habitat, traverses the property from west to east. This watercourse is an established wildlife corridor, providing habitat for a number of aquatic and riparian species. A very small portion of this site is currently developed in the form of a school (with associated facilities) and a railroad track. The Canalways property consists primarily of wetland habitat dominated by pickleweed with associated upland habitat along the boundaries. This property provides habitat for a number of terrestrial and wetland species. The San Rafael Airport consists of non-native grassland similar to that found on the St. Vincent's/Silveira property, along with development associated with the Airport and wetland/open water habitat. The Airport property is bound to the north by Gallinas Creek and to the south by a tributary of Gallinas Creek, both of which are considered to be wildlife corridors for aquatic species.

Response to Comment 134-55

The commentor does not provide specifics, but generally asserts that the Alternatives Analysis does not provide enough quantitative information to compare Alternatives 2 and 3 with the proposed project. The City disagrees. As discussed above, the purpose of the alternatives analysis is to evaluate ways to avoid or substantially lessen significant, unavoidable impacts. (Pub. Resources Code, § 21002; CEQA Guidelines, § 15126.6.) The majority of the significant unavoidable impacts identified for *Draft General Plan 2020* relate to transportation, and Alternative 3 was proposed specifically to evaluate reducing traffic impacts. The Alternatives Analysis, therefore, provides detailed information on transportation impacts of Alternatives 2 and 3. In other impact areas, a more quantitative assessment is simply not feasible, nor is it required by CEQA for this plan-level EIR. (See Response to Comment 134-53.)

Response to Comment 134-56

The alternatives analysis has been revised to include a discussion of growth-inducing and cumulative impacts. The revised *Chapter VI. Project Alternatives* is included in *Section IX.6 Revisions to the Draft EIR* of this report. As discussed above in Response to Comment 134-7, the City disagrees that

Draft General Plan 2020's growth inducing impacts are “the most critical and far-reaching effects” of *Draft General Plan 2020*.

Response to Comment 134-57

The commentor does not specify any deficiencies. See Response to Comments listed in 134-43, for further discussion of the Alternatives Analysis.

Response to Comment 134-58

The Draft EIR does describe an alternative that was considered and rejected, and provides the rationale for rejecting that alternative as infeasible. (Draft EIR, page VI - 24.) No additional alternatives that are considered feasible have been suggested. The City has evaluated additional alternatives suggested by this commentor and has determined that they are either infeasible or will not substantially lessen significant unavoidable impacts of *Draft General Plan 2020*. (See Response to Comments 134-48, 49.) The City's responses are supported by substantial evidence, as explained in the responses. There is no requirement in CEQA that the Alternatives Analysis of the Draft EIR be revised to include a discussion of why the City has rejected these suggested alternatives.

Response to Comment 134-59

The EIR has been revised to reflect that Alternative 1 would entail only minimal population increases. The revised *Chapter VI. Project Alternatives* is included in *Section IX.6 Revisions to the Draft EIR* of this report.

Response to Comment 134-60

The City developed Alternative 3 to analyze ways of reducing significant unavoidable transportation impacts of *Draft General Plan 2020*. Residential and retail development generate more traffic than other uses, such as commercial or office uses. Alternative 3, therefore, proposes 883 fewer residential units than under *Draft General Plan 2020* and less non residential development. The housing provided under Alternative 3 would still satisfy the City's Fair Share obligation as determined by ABAG.

The commentor suggests that the Alternatives Analysis must include a “quantified analysis of housing and the match between the type and level of housing expected to be provided and the expected jobs.” However, as discussed above, the Draft EIR did not identify any significant unavoidable impacts related to the jobs/housing balance.

In fact, as discussed in Response to Comment 134-8, the proposed *Draft General Plan 2020* is expected to improve the jobs/housing balance. Furthermore, a jobs/housing imbalance is not per se an environmental impact. (CEQA Guidelines, § 15131; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502.) It could however lead to indirect impacts such as increased traffic and air pollution. Transportation impacts related to Alternative 3 as compared to the proposed *Draft General Plan 2020* are discussed in detail, as are the air quality impacts. (See Draft EIR, pages VI - 17 to VI - 21.)

Response to Comment 134-61

The commentor is not specific as to how the description of Alternative 1 changes throughout the discussion. The discussion of Alternative 1 has been revised to clarify that Alternative 1 includes the development already approved but not yet built, which the Draft EIR labels the “Baseline” condition

for purposes of the traffic analysis. The City has reviewed the discussion of Alternative 1, as revised, and has not identified any inaccuracies.

The discussion of Alternative 2 is not “inaccurate” because the alternative does not include the extension of McInnis Parkway. The Draft EIR clearly calls out this aspect of the Alternative, and the discussion and analysis of Alternative 2 consistently does not include the McInnis extension. Although listed in General Plan 2000, there is no funding for the McInnis extension, thus it would not be expected to be built, even under General Plan 2000. Furthermore, Vision North San Rafael, prepared in 1997, recommended against the McInnis extension and the Novato General Plan, adopted in 1996 did not include the McInnis extension. Thus, the Draft EIR appropriately did not consider the McInnis extension as part of Alternative 2. (See CEQA Guidelines, § 15126.6, subds. (e)(2), (e)(3)(A).)

Response to Comment 134-62

Although there are significant transportation impacts identified for Alternative 1, this alternative was still identified as the environmentally superior alternative for a number of reasons. Alternative 1 is the environmentally superior alternative with respect to Land Use, Population, Employment and Housing impacts because it would result in the least amount of new development. Similarly, Alternative 1 would be the environmentally superior alternative with respect to Noise Impacts, Visual Quality impacts, Geology, Soils and Seismicity impacts, and Biological Resources impacts. (Draft EIR, pages VI - 24 to VI - 28.) This is so because the severity of impacts in these areas is directly correlated to the level of development.

Response to Comment 134-63

The mitigation measures referred to are Mitigation Measure IV.8-1 and Mitigation Measure IV.8-2. The EIR has been revised to include a reference to these mitigation measures. The revised *Chapter VI. Project Alternatives* is included in *Section IX.6 Revisions to the Draft EIR* of this report. As explained in the Biological Resources discussion for Alternative 2, this Alternative could result in the introduction of development into hillside, riparian, grassland, oak/savanna woodland areas, and wetlands. (See Draft EIR, page VI - 16.) This development would impact wildlife species by reducing habitat and movement opportunities and introducing non-native predators. Impacts to these habitats could also result in impacts to special status species.

Mitigation Measure IV.8-1 would require two programs to be added to the General Plan. First, prior to new development, surveys for the presence of relevant special status species would be performed. If special status species are detected, measures to minimize impacts through design, construction and operation would be required. Mitigation Measure IV.8-2 is designed to reduce impacts to oak savanna/woodland habitat. The program required by this mitigation measure would require that proposed developments with potential impacts to oak savanna/woodland habitat shall either avoid, minimize, or compensate for the loss of oak savanna/woodland habitat.

The policies and programs suggested by these mitigation measures are not included in General Plan 2000. Thus, the discussion under Biological Resources for Alternative 2 explains that the potentially significant Biological Resources impacts of Alternative 2 could be reduced if these mitigation measures were included.

Response to Comment 134-64

Alternative 2, the No Project/No Action alternative is required by CEQA. (CEQA Guidelines, § 15126.6, subd. (e).) The purpose of this analysis is to allow decisionmakers to compare the impacts of approving the proposed project (*Draft General Plan 2020*) with the impacts of not approving the project. The Draft EIR does not “stack the deck” against Alternative 2; rather the City has evaluated Alternative 2 as required by CEQA – comparing the impacts of adopting *Draft General Plan 2020* to the impacts of not approving the project. There is no requirement in CEQA that the Draft EIR evaluate ways of mitigating the impacts of proposed alternatives, particularly the “no project” alternative.

Response to Comment 134-65

The Draft EIR does not “misleadingly create the impression that development of the Properties would inevitably result in significant adverse impacts.” As discussed above, the evidence before the City, including that submitted by the previous project applicants, indicates that development of the property would, in fact, have significant unavoidable impacts. While the Task Force Recommendations for St. Vincent’s/Silveira and the St. Vincent’s Village development proposal might have included measures to reduce impacts of development on the properties, there is no indication that those proposals would reduce the significant unavoidable impacts of *Draft General Plan 2020*. Thus CEQA does not require the City to consider development of the properties in the EIR.

Response to Comment 134-66

As explained in the Draft EIR, the Bay Area Air Quality Management District has developed guidelines and thresholds of significance for CEQA analysis of air quality impacts of plans. (See Draft EIR, page IV.3 - 2.) Inconsistency with the most recently adopted Clean Air Plan is considered a significant impact. To be considered consistent with the Clean Air Plan, the local plan must be consistent with the Clean Air Plan population and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth over the planning period will not exceed the values included in the current Clean Air Plan and the rate of increase in VMT is equal to or lower than the rate of increase in population.

A citation to this information has been added to the discussion of air quality impacts for Alternative 3.

Regarding the discussion of Impact IV.2-3 under Alternative 3, an LOS E at the intersection of Third Street and Union Street is expected to result only under build out conditions and with the addition of the proposed improvements designed to improve pedestrian safety.

Response to Comment 134-67

As discussed above in Response to Comment 134-7, the commentator is incorrect that the City has not identified housing sites to “replace” those from the St. Vincent’s/Silveira properties. Regarding the update of the Marin Countywide Plan, the County has yet to establish a development potential for the properties as a proposal to be analyzed in the EIR for the Countywide Plan update. The text of the Draft EIR has been revised to reflect that the development potential of St. Vincent’s/Silveira is not reasonably foreseeable.

Based on this comment the next to the last sentence of the first paragraph on page VI – 24 of the Draft EIR is revised to read as follows:

As of the time of preparation of this EIR, the draft Marin Countywide Plan has not been released, and the appropriate level of development at St. Vincent's Silveira remains subject to debate. Any assumptions regarding the development potential of these properties pursuant to the Marin Countywide Plan update would therefore be speculative. ~~which would likely propose some limited amount of development on these sites.~~

Response to Comment 134-68

Although some edits to the Draft EIR have been made for clarification, there are no changes necessary that are so significant to require recirculation of the Draft EIR. (CEQA Guidelines, § 15088.5.)

RESPONSE TO LETTER 135 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 135-1

This letter restates questions posed by the commentor in the numerous other letters submitted to the City of San Rafael – for example see letters 9, 73, 38, 48, 49, 50, 55, 60, 61, 100, 101, 102, 104, 127, 128, 129, 141, 148, 182, 185, plus public hearing comments. For responses see Master Comment D – Canalways, responses to individual comments, and *Section IX.5 Responses to Comments on the Draft General Plan 2020* responses under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”; and under HOUSING ELEMENT, “Housing Policies and Programs”. Regarding the Housing Opportunity Sites, see Responses to Comment 46-7 and 136-4.

RESPONSE TO LETTER 136 – JOHN GLADISH, KERNER BOULEVARD, LLC

Response to Comment 136-1

See Master Response D – Canalways for a discussion of wetland issues and the salt marsh harvest mouse at the Canalways property.

Response to Comment 136-2

See Master Response D – Canalways for a discussion of wetland issues and the salt marsh harvest mouse at the Canalways property.

Response to Comment 136-3

The commentor indicates that *Draft General Plan 2020's* proposed designations for the Canalways property is a “taking” of the property. See Response to Comment 38-9 for a discussion of this issue.

Also, see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 136-4

The City's community participation process to prepare the updated housing element is described in *Appendix B Housing Background of Draft General Plan 2020*. As discussed in Response to Comment 46-7 the Canalways property ranked last in an evaluation of 37 potential housing sites prepared as a part of the preparation of the updated housing element.

RESPONSE TO LETTER 137 – JOEY LEMON, JOSEPH L. LEMON, JR. ATTORNEY AT LAW

Response to Comment 137-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 138 – ELISSA GIAMBASTIANI, SAN RAFAEL CHAMBER OF COMMERCE

Response to Comment 138-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Housing Element”.

Response to Comment 138-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment 138-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”, and “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment 138-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-139 (Northgate Mall)”.

Response to Comment 138-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-166 (Terra Linda Shopping Center)”; and under LAND USE ELEMENT, “LU-14 (Height Bonuses)” and “Exhibit 9 (Height Bonuses)”.

Response to Comment 138-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18d (Underutilized Public and Quasi-Public lands for Housing)”.

Response to Comment 138-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-5 (Views)”.

Response to Comment 138-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-22a (Sign Ordinance)”.

RESPONSE TO LETTER 139 – TERRY ROBERTS, GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, STATE OF CALIFORNIA

Response to Comment 139-1

Comment noted. No additional response necessary.

RESPONSE TO LETTER 140 – DAVID N. TATTERSALL, LOCH LOMOND MARINA COMMITTEE, PT. SAN PEDRO ROAD COALITION

Response to Comment 140-1

The commentor is incorrect that “if an impact is not identified in the Program EIR, then the ‘Project’ EIR does not have to address the issue because the ‘Project’ EIR would be consistent with the General Plan.”

The Draft EIR, as the commentor notes, is a Program EIR. Thus, the environmental review for future projects that are consistent with General Plan 2020 can “tier” off of the Draft EIR.

“[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on “the big picture,” and can then use streamlined CEQA review for individual projects that are consistent with such . . . [first tier decisions] and are consistent with local agencies’ governing general plans and zoning.” (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29, 36.)

CEQA defines tiering as:

the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.

(Pub. Resources Code, § 21068.5.)

“Tiering is needed in order to provide increased efficiency in the CEQA process. It allows agencies to deal with broad environmental issues in EIRs at planning stages and then to provide more detailed examination of specific effects in EIRs on later development projects that are consistent with or implement the plans. These later EIRs are excused by the tiering concept from repeating the analysis of the broad environmental issues examined in the general plan EIRs. (Discussion following CEQA Guidelines, § 15385.)

Such later EIRs (or negative declarations) typically incorporate the earlier analyses by reference and add specific details regarding the particular project in question. (Pub. Resources Code, § 21068.5; CEQA Guidelines, §§ 15385, subd. (a), 15152.)

Thus, if a first tier or program EIR has not identified an impact as significant, but the specific project could potentially result in significant impacts, the project specific EIR would have to evaluate that impact.

The scope of later EIRs or negative declarations can be limited. The analysis need not examine those significant effects of the later project that:

- (1) have already been mitigated or avoided as part of the prior project approval, as evidenced in the findings adopted for the prior project; or
- (2) were “examined at a sufficient level of detail” in the prior EIR that they can “be mitigated or avoided by site specific revisions, the impositions of conditions, or by other means in connection with the approval of the later project.”

(Pub. Resources Code, § 21094, subd. (a).)

This statute explains what does not need to be included in later, project-specific EIRs or negative declarations. The CEQA Guidelines explain what should be included. An agency “should limit the EIR or negative declaration on the later project to effects which: (1) [w]ere not examined as significant effects on the environment in the prior EIR; or (2) [a]re susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.” (CEQA Guidelines, § 15152, subd. (d).)

Thus, if an impact is not identified in the EIR for General Plan 2020, but later projects would result in a significant impact, those impacts must be analyzed. The later project cannot escape further environmental review if the impact was not identified in the EIR for General Plan 2020.

In regard to the Third and Union intersection the commentor is incorrect that “any development east of Union would lower the 3rd and Union LOS to E.” In fact, with development of the growth planned in General Plan 2020, the intersection of Third and Union is expected to continue to operate at LOS D, with less than 4 additional seconds of delay. (See Exhibit IV.2-12, item 8, Draft EIR page IV.2 - 23.) LOS D is considered acceptable for this intersection. It is only with the safety improvements that the intersection is expected to operate at LOS E. If, however, a project caused the LOS to move to an unacceptable level, that impact would be considered significant.

RESPONSE TO LETTER 141 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 141-1

The commentor’s opinions are noted. The City of San Rafael understands its responsibility to have an adequate housing supply and mix that matches the needs of people of all ages, income levels, and special requirements. The Housing Element includes policies and programs to meet the housing needs of its population.

RESPONSE TO LETTER 142 – ART BROOKS, MARIN COUNTY CONGESTION MANAGEMENT AGENCY

Response to Comment 142-1

Comment noted. No additional response necessary.

Response to Comment 142-2

The commentor provided some corrections to Exhibit IV.2-18. Exhibit IV.2-18 is revised in accordance to the commentor's corrections. The revisions do not change the EIR analyses.

RESPONSE TO LETTER 143 – ROY CHERNUS, LEGAL AID OF MARIN

Response to Comment 143-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, "Housing Policies and Programs".

RESPONSE TO LETTER 144 – SARA L. JENSEN

Response to Comment 144-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina) – Property Uses" and "NH-121 (Loch Lomond Marina) – Design".

Response to Comment 144-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina) – Property Uses" and "NH-121 (Loch Lomond Marina) – Design".

Response to Comment 144-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, "P. 136. Transportation Corridors".

Response to Comment 144-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina) – Property Uses" and "NH-121 (Loch Lomond Marina) - Design."

Response to Comment 144-5

The commentors' opinion is noted. See Master Response C – Loch Lomond for a discussion of the application that has been filed for the Loch Lomond Marina area. See also *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina)".

Response to Comment 144-6

The commentor's opinion is noted. See Master Response C – Loch Lomond for a discussion of the application that has been filed for the Loch Lomond Marina area. See also *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, "NH-121 (Loch Lomond Marina)".

Response to Comment 144-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Introduction”.

Response to Comment 144-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”.

Response to Comment 144-9

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”.

RESPONSE TO LETTER 144A – TIMOTHY C. SABLE, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment 144A-1

Based on this comment paragraph three on page IV.2 - 4 of the Draft EIR is revised as follows:

In San Rafael, the LOS is measured for the “peak hour.” The AM peak ~~hour~~ period is between 7 and 9 a.m., and the PM peak period is between 4 and 6 p.m. The hour during the peak period with the highest traffic volume is used to determine LOS.

Response to Comment 144A-2

According to the County Congestion Management Agency, a freeway bottleneck analysis is not included in the methodology for Marin Transportation Model – Y2003. The City acknowledges that some constraints and bottlenecks may affect upstream and downstream segments of the freeway, however, these constraints are not expected to significantly affect the analysis of freeway levels of service. A detailed highway operations analysis would be required to take into account bottlenecks and other constraints. Such an analysis is not reasonable or feasible for the Draft EIR. Such an analysis would require detailed lane by lane volume counts, merge and diverge analysis, and other analyses that require software and staffing that are beyond the scope of the City’s resources. The City has requested from Caltrans any operation analysis report that would allow the City to compare the results reported in the Draft EIR, but the City has not received a response.

Response to Comment 144A-3

See Response to Comment 144A-2.

Response to Comment 144A-4

The AM LOS at the Lincoln Avenue/Southbound US 101 ramps intersection is expected to improve from LOS E to LOS D because the approach volumes are expected to improve under *General Plan 2020*. The approach volumes are expected to improve due to land use changes and new roadway network changes. In addition, improvements at other intersections will improve the LOS at these intersections.

Draft General Plan 2020 proposes to exempt these ramps from the City’s LOS standards because the back up on these ramps is due mainly to regional traffic. Nevertheless, the Draft EIR still considers the change in LOS to be a significant impact see Draft EIR, page IV.2 - 31. The City, therefore, evaluated potential mitigation measures to mitigate this impact, but has determined that there are no feasible mitigation measures, see Draft EIR, page IV.2 - 31.

Response to Comment 144A-5

See Response to Comment 144A-2.

Response to Comment 144A-6

The adequacy of the existing turn lanes was taken into consideration in the analysis of intersections. The results of the off-ramp queue analysis is included in Exhibit VIII.3-6. For that analysis, the turn lanes were compared to the length of the off-ramp. The storage length overspill is automatically included in the level of service calculation.

Response to Comment 144A-7

The effect of on-ramp queuing is incorporated into the intersection LOS analysis by adjusting appropriate parameters. As the on-ramp backs up, the capacity of certain movements is restricted. This reduced capacity is considered in the LOS analysis.

Response to Comment 144A-8

The requested information is provided below:

New Trips						
	Draft General Plan 2020 (Proposed Project)		General Plan 2000 (Alternative 2)		Reduced Development (Alternative 3)	
Land Use	AM Peak Hour Trip	PM Peak Hour Trip	AM Peak Hour Trip	PM Peak Hour Trip	AM Peak Hour Trip	PM Peak Hour Trip
Commercial (ksf)	(163)	758	1,223	3,236	(300)	230
Industrial/Office (ksf)	344	445	3,501	3,575	344	445
Lodging (room)	205	207			373	390
Recreation (seat)	40	162			40	162
Residential (du)	2,394	2,779	3,838	4,482	1,793	2,074
Total	2,821	4,351	8,562	11,303	2,250	3,301

Source: City of San Rafael, Public Works Department, Traffic Engineering

Response to Comment 144A-9

The requested intersection turning volumes are included the *Appendix I Freeway Ramp Intersection Turning Movement Volumes*.

Response to Comment 144A-10

According to Caltrans, the current US 101 gap closure configuration consists of one HOV lane for each direction. This is the configuration that was used in the City's and Congestion Management Agency's traffic models used in the Draft EIR.

The Draft EIR, page IV.2 - 36 explains that "[i]mplementation of the Gap Closure project would provide a continuous High Occupancy Vehicle (HOV) lane, closing the gap in the present HOV lane system."

RESPONSE TO LETTER 145 – ROY CHERNUS, LEGAL AID OF MARIN

This letter is a duplicate of Letter 143. See Response to Letter 143.

RESPONSE TO LETTER 146 – ART BROOK, MARIN COUNTY CONGESTION MANAGEMENT AGENCY

This letter is a duplicate of Letter 142. See Response to Letter 142.

RESPONSE TO LETTER 147 – TERRY ROBERTS, STATE OF CALIFORNIA

This letter is a duplicate of Letter 139. See Response to Letter 139.

RESPONSE TO LETTER 148 – DWAYNE HUNN, KERNER BOULEVARD, LLC

This letter is a duplicate of Letter 141. See Response to Letter 141.

RESPONSE TO LETTER 149 – DAVID N. TATTERSAILL, LOCH LOMOND MARINA COMMITTEE

This letter is a duplicate of Letter 140. See Response to Letter 140.

RESPONSE TO LETTER 150 – TED POSTHUMA

This letter is a basically a duplicate of Letter 130. See Response to Letter 130.

RESPONSE TO LETTER 151 – JEAN SWARD

Response to Comment 151-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)” and “NH-121 (Loch Lomond Marina) – Property Uses”.

RESPONSE TO LETTER 152 – ROGER E. ROBERTS

Response to Comment 152-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under ECONOMIC VITALITY ELEMENT, “EV-2 (Seek, Retain, and promote Business that Enhance San Rafael)”.

Response to Comment 152-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under ECONOMIC VITALITY ELEMENT, “EV-7 (Environmentally – friendly business practices)”.

Response to Comment 152-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under ECONOMIC VITALITY ELEMENT, “EV-8b (Day laborers)”.

Response to Comment 152-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under ECONOMIC VITALITY ELEMENT, “Goal 10 (Distinctive Business areas)”.

Response to Comment 152-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under ECONOMIC VITALITY ELEMENT, “EV-15 (Business Areas)”.

Response to Comment 152-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under Economic ECONOMIC VITALITY ELEMENT, “EV-15a (Zoning Regulations)”.

RESPONSE TO LETTER 153 – STUART SNYDER

Response to Comment 153-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 154 – STARR TABER

Response to Comment 154-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 155 – JOHN BOLAND

Response to Comment 155-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 156 – RICHARD AND CAROL KREEGER

Response to Comment 156-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 157 – RON POSTREL

Response to Comment 157-1

Comment noted. No additional response necessary. See also *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under OPEN SPACE ELEMENT, “OS-1b (Preservation Opportunities)”.

RESPONSE TO LETTER 158 – DONNA SABERMAN

Response to Comment 158-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 159 – CHERYLE HANGARTNER

Response to Comment 159-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 160 – HELENE POSTREL

Response to Comment 160-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 161 – JANE WINTER

Response to Comment 161-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 162 – JANET AN DBARRY KRANTZ

Response to Comment 162-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 163 – LEZLEY HOFFMAN

Response to Comment 163-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 164 – JIM AND MALLIA LEONHARD

Response to Comment 164-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 165 – ANNE COLLETTI

Response to Comment 165-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 166 – C A WALTER

Response to Comment 166-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 167 – JANE G. PALLAS

Response to Comment 167-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 168 – MARILYN WORTZMAN

Response to Comment 168-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 169 – JILL B. CAIRE

Response to Comment 169-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 170 – GLEN PHILPOTT

Response to Comment 170-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 171 – MARK EDELMAN

Response to Comment 171-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 172 – MICHAEL OHLEYER

Response to Comment 172-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 173 – PATSY GUGLIELMO

Response to Comment 173-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 174 – WILLIAM C. CALENDER

Response to Comment 174-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 175 – DAVID N. TATTERSALL, LOCH LOMOND MARINA COMMITTEE

Response to Comment 175-1

See Master Response C – Loch Lomond. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT “Page 38, Exhibit 10, Land Use Categories”; and under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”, “Loch Lomond Introduction”, “Policy NH-121 (Loch Lomond Marina) - Residential Density”, “Policy NH-121 (Loch Lomond Marina) - Property Uses”, and “Policy NH-121 (Loch Lomond Marina) – Design”.

RESPONSE TO LETTER 176 – SANDRA SELLINGER, MARIN RELEAF

Response to Comment 176-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under INFRASTRUCTURE ELEMENT, “New Policy I-7X (Urban Forest) [former CD-20]”.

RESPONSE TO LETTER 177 – JEANNE EMMONS COHN

Response to Comment 177-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process comment” and “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment 177-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) - Property Uses”.

RESPONSE TO LETTER 178 – PEGGY TOTH, PRESIDENT, DOMINICAN/BLACK CANYON NEIGHBORHOOD ASSOCIATION

Response to Comment 178-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Exhibit 5 (Floor Area Ratios)”, and “Land Use Map”.

RESPONSE TO LETTER 179 – ROBERT HOFFMAN

Response to Comment 179-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 180 – MICHAEL J. NELSON, BOARD MEMBER AND PUBLIC REPRESENTATIVE SAN PEDRO COVE HOME OWNERS ASSOCIATION

Response to Comment 180-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

RESPONSE TO LETTER 181 – ROBERTA HOFFMAN

Response to Comment 181-1

Comment noted. No additional response necessary. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 182 – DWAYNE HUNN, KERNER BOULEVARD, LLC

Response to Comment 182-1

See Master Response D – Canalways.

RESPONSE TO LETTER 183 – TED A. MURRAY, JR.

Response to Comment 183-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”, “NH-121 (Loch Lomond Marina) – Residential Density”, and “NH-121 (Loch Lomond Marina) – Property Uses”.

RESPONSE TO LETTER 184 – PETITION FOR THE RESTORATION OF THE CANALWAYS WETLANDS

Response to Comment 184-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 185 – DWAYNE HUNN, KERNER BOULEVARD, LLC.

Response to Comment 185-1

See Response to Comment 101-1 for a further discussion of the use of the Canalways property for the disposal of dredge material. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

RESPONSE TO LETTER 186 – DAVID IVESTER, STOEL RIVES

Response to Comment 186-1

See Master Response D – Canalways for a discussion of the history of the Canalways property. The city of San Rafael prepared a letter in response to Mr. Investor’s comments. A copy of that letter is in *Section IX.5 Responses to Comments on the Draft General Plan 2020* following NEIGHBORHOODS ELEMENT.

RESPONSE TO LETTER 187 – CHRISTOPHER M. PETERSEN

Response to Comment 187-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Page 38, Exhibit 10, Land Use Categories”.

Response to Comment 187-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Land Use Map”.

Response to Comment 187-3

See Master Response C – Loch Lomond. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Vision”, “Loch Lomond Introduction”, “NH-121 (Loch Lomond Marina)”, “NH-121 (Loch Lomond Marina) – Property Uses”, and “NH-121 (Loch Lomond Marina) – Design”.

RESPONSE TO LETTER 188 – ERIC ANDERSON, MARIN COUNTY BICYCLE COALITION

Response to Comment 188-1

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Circulation Goals”.

Response to Comment 188-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Page 156 Introduction/Overview”.

Response to Comment 188-3

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Roadway Improvements, page 159”.

Response to Comment 188-4

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Bicycling and Pedestrian Facilities, page 160”.

Response to Comment 188-5

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Parking Facilities, page 160”.

Response to Comment 188-6

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Circulation Goals” and “Goal 13: Mobility For All Users”.

Response to Comment 188-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Circulation Goals”.

Response to Comment 188-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4b (Street Design Criteria to Support Alternative Modes)”.

Response to Comment 188-9

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5. Traffic Level of Service Standards”.

Response to Comment 188-10

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5b (Monitoring Traffic)”.

Response to Comment 188-11

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-6 (Proposed Improvements)”.

Response to Comment 188-12

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-7a. Planned Roadway Improvements, Exhibit 19”.

Response to Comment 188-13

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-8. Eliminating and Shifting Peak Hour Trips”.

Response to Comment 188-14

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-11d. Bike to Work Day”.

Response to Comment 188-15

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Transportation Demand Management Tools (sidebar), page 176”.

Response to Comment 188-16

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Improving Transit and Related Services, Page 179”.

Response to Comment 188-17

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-17a. SMART Service”.

Response to Comment 188-18

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-23a. (Better Signage)”.

Response to Comment 188-19

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-24a. North San Rafael Promenade”.

Response to Comment 188-20

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-25. Meeting Local Circulation Needs Around Highway Interchanges”.

Response to Comment 188-21

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “(Page 187) Introduction” and “C-26. Bicycle Plan Implementation”.

Response to Comment 188-22

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-26a. (Implementation)”.

Response to Comment 188-23

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-27a (Implementation)”.

Response to Comment 188-24

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-28a (Urban trail Network Project)”.

Response to Comment 188-25

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-32 (Parking for Alternative Modes of Transportation)”.

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Response to Public Hearing Comments

On February 24, 2004 the City of San Rafael Planning Commission held a public hearing on the Draft EIR. In addition to the February 24, 2004 public hearing on the Draft EIR the City Planning Commission held public hearings on *Draft General Plan 2020* on January 13, January 27, February 10, February 24, March 9, March 23, March 30, and April 27, 2004.

The minutes of each public hearing is provided in this section. The public hearing comments are numbered in the margins of the minutes. The responses follow the public hearing minutes. Some responses refer readers to other comments or responses in this section, responses in ***Section IX.5 Responses to Comments on the Draft General Plan 2020***, or to the pages in the Draft EIR where specific topics are discussed.

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
January 13, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple

Commissioners Absent: None

Community Development: Bob Brown, Community Development Director;
Krisie Richardson Wheeler, Principal Planner;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner

UNAPPROVED

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Whipple explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

- 1. Minutes, December 9, 2003

RECOMMENDED ACTION

Commissioner Paul deleted the word "not" from the first sentence on page 9 of the third paragraph. He also added an "ed" to the word "forward" on page 10 of the fourth paragraph. He pointed out that the name "Dick Alstead" should be changed to "Dick Olmsted" on page 12. He further noted that the address on page 13 should read, "Ovejtas" rather than "Ovegas."

NEW BUSINESS

- 2. A. Election of Officers
B. Discussion of Rules and Procedures

Commissioner Kirchmann commented on page 10 and changed the word "heightened" to "heighten" and changed the word "shadowed" to "shadow" of the fifth paragraph.

- 3. Draft San Rafael General Plan 2020 – Public hearing related to Safety Noise, Open Space, Conservation and Air and Water Quality 1) Take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 1/27/04.

Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

DIRECTOR'S REPORT

Chair Whipple corrected page six in regard to the motion, which should reflect a "4:3" vote rather than a "5:2" vote, with him opposed.

Chair Whipple asked for a motion.

Commissioner Alden moved and Commissioner Scott seconded, to approve the Consent Calendar as amended. The motion carried by a unanimous vote by the Commission.

COMMISSION COMMUNICATIONS

AYES: Commissioners: Alden, Scott, Atchison, Kirchmann,
Lang, Paul, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

PLEDGE OF ALLEGIANCE

NEW BUSINESS

2. A. Election of Officers

Chair Whipple asked for a nomination for Chairman.

Commissioner Kirchmann moved and Commissioner Paul Seconded, to nominate Vice Chair John Alden as Chairman of the Planning Commission for 2004. The motion carried by a unanimous vote by the Commission.

**AYES: Commissioners: Kirchmann, Paul, Alden, Atchison,
Lang, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None**

Chair Alden asked for a nomination for Vice Chairman.

Commissioner Kirchmann moved and Commissioner Scott seconded, to nominate Commissioner Larry Paul as Vice Chairman of the Planning Commission for 2004. The motion carried by a unanimous vote by the Commission.

**AYES: Commissioners: Kirchmann, Scott, Alden, Atchison
Lang, Paul, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None**

B. Discussion of Rules and Procedures

Commissioner Paul suggested having more definitive time limits for presentations by applicants and testimony from members of the public. Commissioner Whipple disagreed and felt the process works fine and should not be modified. Commissioner Scott concurred with Commissioner Whipple. Chair Alden also agreed that it is important to keep the process as it currently exists. The Commission agreed that no modification to the existing rules and procedures were necessary.

PUBLIC HEARINGS

- Draft San Rafael General Plan 2020** – Public Hearing related to Draft Safety, Noise, Open Space, Conservation and Air and Water Quality Elements. 1) Take public testimony and frame issues for further consideration; and 2) Continue to Planning Commission meeting date of 1/27/04.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Bob Brown, Community Development Director, explained that while General Plan 2020 has been an extensive undertaking, there are not significant changes proposed from the existing General Plan. The pace of Development will slow substantially due to a lack of remaining vacant land. As a result, quality of life issues have become very important to the public. He then discussed three major issues for the Commissioner's consideration as follows:

1. Traffic
2. Housing
3. Our ability to afford desired services and facilities.

He also acknowledged the contributions of the Steering Committee, Linda Jackson, Evelyn Buchwitz, and Nader Mansourian. He then introduced Tiffany Wright, Legal Consultant; and Bob Berman, Environmental Consultant who are present to assist the Commission.

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission hold public hearing on merits of the draft General Plan 2020 policies related to the Safety, Noise, Open Space, Conservation, and Air and Water Quality element; and continue the public hearing to the next meeting; and, raise questions and identify desired revisions to draft elements.

Ms. Jackson indicated that public hearing on the draft EIR would be held tentatively on February 10th, 2004. She also noted that an additional meeting on March 30th, 2004 as well.

Evelyn Buchwitz, Contract Assistant Planner, provided the Commission with a PowerPoint presentation that consisted of an overview of the five draft elements:

Commissioner Scott whether the two diagrams in the Noise Element represent noise limits or actual sound levels. Mr. Brown responded that the lines represent maximum sound level contours.

Commissioner Scott discussed the 100-year flood policy and noted that there is no reference to the design of storm drainage systems, and asked staff whether they would be designed for a 25-year storm, 50-year storm or 100-year storm. Mr. Brown responded that staff would double-check and be sure that it is clear that it is designed for a 100-year event.

Commissioner Whipple commented on Exhibit 30 on page 263 and asked staff if that is from the Noise Ordinance. Mr. Brown responded that it is a compatibility standard for locating new development and this had been slightly revised for better readability. He noted that it is based on State standards. He explained that the City's Noise Ordinance deals with impact noise, individual noises that create a nuisance; the chart relates to the suitability of new and different types of land uses in a given noise environment.

Chair Alden opened the public hearing on this item.

Patrick Murphy, 21 La Vista Way, San Rafael, representing the Federation of San Rafael Neighborhoods, addressed the Noise Element and expressed concern for the wording in N-5b and explained that due to recent developments in the County, different situations exist. He pointed out that as a City, they must coordinate with the County Planning Agency, Congestion Management Agency, Caltrans and SMART in addressing some of the local noise issues. He added that the County noise deals with Point San Pedro Road by the quarry, so a relationship must be established to deal with that issue, and with SMART in order to deal with the placement of proposed noise barrier at the north end of Lincoln to protect the Lincoln/San Rafael Hill area from noise from the proposed rail. He discussed the Highway 101 situation in particular, and as a City that is being impacted in six neighborhoods they must work as a City to coordinate this relationship in the future. He further indicated that he would send a memo to Ms. Jackson with the suggested wording to deal with the transportation and other coordination issues in the City of San Rafael.

PH-1

Hugo Landecker, 127 San Rafael Ave., San Rafael, discussed Safety Element policy S-23A and noted his confusion and felt the General Plan should be more intuitive. He suggested revising the language in order for the public to understand what it is addressing. He commented on Goal 31 and believed a program should be added to study the San Rafael Canal in order for the City to get a handle on what currently exists. He expressed concern for buildings being built over waterways and believed there should be a minimum setback established. He pointed out that the San Rafael Yacht Club (which is owned by the City) frontage along the Canal is now gated and not open to the public, which is owned by the City. He also discussed Goal 32 under AW-1 and expressed concern for Federal and State air standards and that the City must recognize that pollution exists. He commented on AW-7 and AW-10 regarding storm water basins and during certain times of the year there is a high level of fecal-chloroform counts caused by pet waste that must be addressed. He further requested that a program be added to study pollution in the Canal.

PH-2

PH-3

PH-4

Don Dickenson, 327 Jewell St., San Rafael, Chair of Land Use Committee of the Marin Conservation League, noted that many suggestions of the Committee had been incorporated, but the Committee intends to submit written comments in more detail. He discussed the Noise Element and pointed out that there is no reference to noise from the San Rafael Rock Quarry, which impacts many City residents. He felt it would be appropriate to add a reference to the noise impacts emanating from the quarry and establishment of some City policy in terms of future negotiations with quarry operators, if the quarry intends to continue operations.

PH-5

Roger Roberts, 223 Southern Heights Blvd., San Rafael, discussed Goal 31 under CON-1 and noted that there is a proposition that there be a Bayfront Protection Corridor north of San Pedro Point that would include wetlands as well as adjacent upland habitat. He then recommended including the following language to CON-1 as follows: "adjacent lands creating habitat for threatened and endangered species." He discussed CON-18-a and encouraged the City to include the following language: "participation in the County's

PH-6

Green Business Certification Program."

Jim Guzman, San Rafael resident, stated that in general the City has devoted too much attention to the business interest and development in this community at the expense of quality of life issues for residents of San Rafael. He believed the current plan led to this development and degradation of quality of life and desired that the current plan be more updated proactive in order to minimize these degradations to show residents that the City is truly interested in their concerns. He encouraged the City to focus on those issues in the updated General Plan in order to improve the quality of life to the best of their ability. He pointed out that much of the noise is the result of traffic; the volume of traffic has increased in a large part to development as well as additional traffic impacts that this development demands. He felt the Open Space and the Air and Water Quality elements were quite good, but hoped they would be more specific. He also hoped the Commission would refer to these sections of the document frequently in consideration of project and changes of use that would come before the Commission. He explained that there is a recommendation to require a 50-foot setback and believed 50 feet is not enough and recommended a 100-foot setback in order to protect the wild life that exist in the marshes. He wished there was more in the document that dealt with noise impacts to existing neighborhoods, not just in the area of the new projects, but also in areas beyond as a result of traffic. He was pleased to view the section that addressed the economic and health issues affected by noise, which are real and affect the entire community. He further discussed nuisance noise such as leaf blowers and desired the City to limit, reduce or eliminate such use.

PH-7

Sue Beittel, 675 Barberry Lane, San Rafael, expressed concern for earthquakes and seismic issues in the Canal community as well as content and use of buildings such as Home Depot and the impacts an earthquake would have with items falling from shelves. There being no further public testimony on this item, Chair Alden continued the public portion of the testimony to the next meeting and brought the matter back to the Commission for discussion. The Commissioners then identified various draft policies and programs to pull for discussion.

PH-8

Safety Element Policies and Programs

S-1

Commissioner Kirchmann recommended adding the Fire Department as one of the implementing departments with respect to hazardous materials.

S-5

Commissioner Paul suggested changing the term "soils and geologic review" to "geotechnical review." He expressed concern for the following sentence on page 240: "The San Rafael Fire Department has evaluated the safety issues and hillside areas, these are discussed below under public safety and emergency response." He believed that sentence should be relocated to page 253 not relative to geologic and seismic safety. Mr. Brown responded that it is entirely up to the Commission's discretion whether to

relocate the statement. The Commission agreed to delete the reference.

S-8

Chair Alden recommended adding a reference to CA-15d in relation to incentives.

The Commission also asked staff to research Ms. Beittel's concerns.

S-15

Commissioner Whipple discussed the 30-year settlement issue and expressed concern with requirements for fill to raise buildings above the 100-year flood level. He desired infrastructure repair instead. He believed the policy should establish a solution that protects the building over its life expectancy.

Chair Alden asked staff the reason for the number "30." Mr. Brown responded that staff would pursue this matter in more detail with engineering staff and report back.

S-20

Commissioner Kirchmann asked staff why this section found its way into the Safety Element. Ms. Jackson responded that it is the erosion question and the Steering Committee desired a statement about creeks and drainage ways in this section. She also pointed out that it is addressed in the Conservation Element as well.

S-23-a

Commissioner Lang asked staff if the Police Department would establish a method of "Restorative Justice." Ms. Jackson noted that "Restorative Justice" is an alternative sentencing program and a diversion program that the City of San Rafael has tried to establish. Chair Alden pointed out that in many instances the Police Department would play an integral role that would be in collaboration with the local court system. Mr. Brown noted that staff would define the program in more detail. Commissioner Lang suggested stating, "Cooperate with County authorities to review, identify, and evaluate alternative sentencing methods to enhance the community." Chair Alden agreed with having a reference to coordination with the County.

S-28

Commissioner Kirchmann suggested adding the word, "on or adjacent to hillsides."

S-29

Commissioner Kirchmann recommended adding the Police Department as a responsible agency.

S-32-c

Commissioner Whipple suggested adding the words "City initiatives."

S-38

Commissioner Kirchmann discussed the implementing program and suggested writing a stronger program. Ms. Jackson stated that staff would bring back a recommendation.

Noise Element Polices and Programs

N-1

Commissioner Kirchmann noted his confusion for the following language: "If the noise environment exceeds the standards in Exhibit 30, also identify which projects shall require an acoustical analysis to define noise impacts." Staff agreed to revise the statement.

N-4

Commissioner Kirchmann believed more information is needed as to what is "residential area"? Ms. Jackson responded that staff would bring those edits back a revised statement for the Commission's review.

Commissioner Whipple believed three decibels is a small number and would preclude all mix use development in San Rafael. Commissioner Kirchmann suggested clarifying in the policy that mix use would be considered non-residential for this purpose. Ms. Jackson suggested stating, "residential only," but added that staff would clarify the issues.

N-4-a

Commissioner Paul suggested adding industrial development as well. Ms. Jackson responded that "commercial" as used in the Plan would include retail, industrial and office, but agreed to review the land use reference in more detail.

N-5

Commissioner Kirchmann believed there is some inconsistency with Policy N-2 and N-5 and asked staff to define the difference in the plan.

N-5-b (former)

The Commission desired this policy from the August 4th draft to be restored and have a place in this element. Staff agreed and will bring back a recommendation. Commissioner Kirchmann reiterated Mr. Murphy's statement that staff should coordinate with SMART and County agencies.

N-6-e

Commissioner Whipple believed it is worth the expense to achieve lower noise levels on highways. Mr. Brown responded that the City Council is not the responsible agency and pointed out that Public Works is being asked to consider this as a cost effective alternative.

N-9

Commissioner Lang discussed resources in relation to "taxes" and "sales" for the SMART commuter rail service and asked staff if this is wishful thinking or planning. Ms. Jackson responded that the SMART Commission is in pursuit of a sales tax and they are preparing an EIR at this point on the rail line with alternatives. Commissioner Lang suggested stating, "Potential sales tax or future sales tax to be approved by the voters."

or "to be determined." Ms. Jackson suggested stating, "SMART funding." Chair Alden suggested making "IF" the beginning of the sentence. Ms. Jackson agreed.

Rock Quarry

Commissioner Lang believed the Rock Quarry should be addressed. Commissioner Atchison concurred. Mr. Brown responded that staff should seek input to mitigate impacts to residents including noise, traffic and air quality. Ms. Jackson responded that staff would draft language to be considered at the next meeting.

N-10-b

There were no changes.

Exhibits 31 & 32

Chair Alden expressed his confusion as to what data is being conveyed. Mr. Brown explained that the data is a survey of the average existing noise levels for current conditions. Ms. Jackson agreed to add a note to the exhibits.

Open Space Policies

The Commission had no comments.

Conservation Policies

CON-1

Chair Alden reiterated Mr. Rogers' comments that suggested protecting and enhancing lands adjacent to the lands providing habitat for threatened and endangered species. Mr. Brown felt the policy is all inclusive, but suggested stating in the first sentence "wetlands and adjacent upland areas." Chair Alden suggested a second sentence to the end of CON-1 to state, "pursue appropriate policies to minimize negative effects of adjacent lands on habitat for threatened and endangered species." After discussion, the Commission agreed that the policy was comprehensive, and upland areas protected by policies CON-4 and CON-6

Commissioner Lang suggested adding a comma "(" after the word "Shorelines." She also discussed grants and asked staff why they are limiting themselves. Mr. Brown responded that it should state, "grants and developer contributions."

CON-2

Withdrawn.

CON-3-a

Chair Alden expressed concern about the second to last sentence and noted that it is his understanding that biologists believe this is not a viable manner to replace wetlands that are lost. Ms. Jackson responded that staff would provide information on this to the Commission.

CON-4

Commissioner Kirchmann discussed setbacks greater than 50 feet to be required on lots of two or more acres and asked staff to develop a better threshold. Mr. Brown suggested stating, "lots or development projects of two or more acres."

Commissioner Kirchmann asked staff to identify all elements of development other than structures such as patios, landscaping and temporary structures; the "development-free" phrase. The Commission agreed to add a statement with retaining the natural state.

CON-6

Commissioner Whipple expressed concern for the word "or" and the term "economically viable" being used. Commissioner Lang suggested stating, "consistent with applicable law to the maximum extent permitted by law." Ms. Jackson responded that staff would review the policy with the City Attorney, and have a recommendation for the next meeting

CON-Intro

Commissioner Kirchmann discussed the heading under "mineral resources" that noted that it is expected that the quarry would continue its operations for the timeframe of this plan and asked staff if this is an assumption in preparing the plan or a statement. Mr. Brown responded that it is the City's assumption. He noted that the quarry intends to continue operations. Commissioner Kirchmann expressed concern for the wording. Ms. Jackson responded that staff would modify the wording, and note that it's assumed that the quarry would continue.

CON-18-a

Chair Alden asked staff if the County's Green Business Certification Program is included. Mr. Brown responded that it would be incorporated into a new CON-18-b program.

CON-19

Commissioner Whipple expressed concern for this becoming exclusionary. He suggested that if there are alternative building materials or energy efficient materials that an exception be allowed at the review stage. Ms. Jackson responded that it is covered in program CON-19b. She added that it is a short-term project that would occur in the next five years. Mr. Brown explained that the plan would be updated in five years and if this is still applicable, the program could be retained; otherwise, if the program is implemented it could be removed.

Commissioner Paul asked staff if CON-19-a could be incorporated with CON-9. Ms. Jackson noted that it is already identified in CON-21-a and staff would add a reference.

Air and Water Quality Policies

AW-3-c

Commissioner Whipple asked staff for examples. Ms. Jackson responded that she would discuss this with the City's consultant and determine examples for the Commission's

review.

AW8-e

Commissioner Lang discussed "Public Water Management" and pointed out that in her neighborhood there is a lagoon system and suggested wording this section less specifically referring to streets. Chair Alden agreed with Commissioner Lang's comments. He recommended including streets and lagoons. Ms. Jackson responded that she would work with Public Works to determine the appropriate language.

AW11-b

Commissioner Atchison suggested adding the issue of pet and lawn waste in order to improve water quality. He believed staff should stretch the outreach methods as well. Ms. Jackson agreed to include examples and explain impacts of indirect effects.

Chair Alden announced that all comments would be brought back for further discussion by the public and the Commission at the next meeting.

DIRECTOR'S REPORT

Mr. Brown had nothing further to add.

COMMISSION COMMUNICATIONS

Chair Alden announced to the Commission that the next meeting is a special meeting on January 22nd and the next General Plan meeting would be on January 27th, 2004, which is a regularly scheduled meeting.

Chair Alden suggested starting at 7:00 p.m. rather than 7:30 p.m. The Commission and staff agreed.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 10:56 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
January 27, 2004**

ROLL

UNAPPROVED

Commissioners Present: Alden, Atchison, Kirchmann (*arrived at 7:24 p.m.*)
Lang (arrived at 7:28 p.m.), Paul, Scott, Whipple

Commissioners Absent: None

Community Development: Bob Brown, Community Development Director;
Kristie Richardson Wheeler, Principal Planner;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner;
Ulla-Britt Jonsson, Planning Technician

AGENDA

CONSENT CALENDAR

RECOMMENDED ACTION

1. Minutes, January 13, 2004
2. **1104 Fifth Avenue (Church of Saint Raphael and Mission San Rafael Arcangle)** – Request for approval of a Sign Program for two free standing signs for an existing church and school; APNs: 011-213-012, 16 and 19; Fifth and Mission Residential/Office (SM R/O) District; Roman Catholic Church, owner; Vickie Otto, applicant; File No.: SR03-080.
Environmental Review: Categorically Exempt
Project Planner: Micah Hinkle
3. **Lincoln Avenue** – Request for an Environmental and Design Review Permit for exterior modifications and a Use Permit to operate a teen center to provide services to teens. APN: 011-275-05 and 011-275-11; Heatherton Office (H/O) District; Mary and Thomas Tacchi, owners; Marin Interfaith Youth Organization, applicant; File No.: UP03-072 and ED04-002.
Environmental Review: Categorically Exempt.
Project Planner: Ulla-Britt Jonsson

PUBLIC HEARING

4. **Draft San Rafael General Plan 2020** – Continue Public hearing related to Safety Noise, Open Space, Conservation and Air and Water Quality and Public Hearing related to Infrastructure, Governance, Culture and Arts, Parks and Recreation

Elements. APNs: Citywide and San Rafael Planning Area; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 2/10/04.

Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

* * * * *

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Chair Alden noted that as requested by staff, the Consent Calendar items would be discussed at 7:30 p.m. He explained that the Commission would start discussing the General Plan 2020 and then go back to the Consent Calendar at the appropriate time.

AYES: Commissioners: Alden, Atchison, Paul, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Kirchmann, Lang

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR RECOMMENDED ACTION

1. Minutes, January 13, 2004

Commissioner Whipple deleted the sentence "He desired infrastructure repair instead" under S-15 on page 7. He added "ed" to the end of the word "mix" under N-4 to state, "mixed use." He also changed the word "is" to "may be" to page 8 under N-6-e.

Chair Alden asked for a motion.

Commissioner Paul moved and Commissioner Whipple seconded, to approve the Minutes of January 13, 2004 as amended. The motion carried by a unanimous vote by the Commission.

AYES: Commissioners: Paul, Whipple, Alden, Atchison, Scott
NOES: Commissioners: None
ABSENT: Commissioners: Kirchmann, Lang
ABSTAIN: Commissioners: None

2. **1104 Fifth Avenue (Church of Saint Raphael and Mission San Rafael Arcangle)** – Request for approval of a Sign Program for two free standing signs for an existing church and school; APNs: 011-213-012, 16 and 19; Fifth and Mission Residential/Office (SM R/O) District; Roman Catholic Church, owner; Vickie Otto, applicant; File No.: SR03-080.

Environmental Review: Categorically Exempt
Project Planner: Micah Hinkle

Kristie R. Wheeler, Principal Planner, summarized the staff report and recommended that the Commission adopt a resolution approving the Sign Program.

Commissioner Paul discussed the Design Review Board's recommended changes and asked Ms. Wheeler if the signs were changed or as proposed because he did not view the findings for those signs. Commissioner Kirchmann noted that the conditions of approval as proposed would address the comments that were discussed at the Design Review Board hearing. Ms. Wheeler added that Condition 4 is recommending that the proposed bell logos match each other and the Design Review Board also requested that there be a concrete pad that supported one of the free-standing signs.

Chair Alden opened the public hearing on this item, and seeing no one wishing to speak, he closed the public portion of the testimony and brought the matter back to the Commission for action.

Chair Alden asked for a motion.

Commissioner Paul moved and Commissioner Scott seconded, to adopt a resolution approving the Sign Program as proposed by staff. The motion carried by a unanimous vote by the Commission.

AYES: Commissioners: Paul, Scott, Alden, Atchison, Kirchmann, Lang, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

3. **910 Lincoln Avenue** – Request for an Environmental and Design Review Permit for exterior modifications and a Use Permit to operate a teen center to provide

services to teens. APN: 011-275-05 and 011-275-11; Heatherton Office (H/O) District; Mary and Thomas Tacchi, owners; Miam Interfaith Youth Organization, applicant; File No.: UP03-072 and ED04-002.

Environmental Review: Categorical Exempt.

Project Planner: Ulla-Britt Jonsson

Ulla-Britt Jonsson, Planning Technician, summarized the staff report and recommended that the Commission adopt a resolution approving the Use Permit and Environmental and Design Review Permit for the proposed project.

Commissioner Scott commented on Use Permit Condition 4 and believed the last sentence is in complete and the words, "*shall be present*," should be added. Ms. Jonsson concurred.

Commissioner Lang felt Condition 8 is very vague and asked staff if this type of a standard had been implemented before. Ms. Jonsson responded that it is a standard condition of approval attached to all use permits.

Commissioner Whipple noted his confusion with regard to the security guards. Ms. Jonsson deferred that question to the Executive Director of the Teen Center.

Monica Styron, Executive Director of the Teen Center, provided a newsletter to the Commission for their consideration. She believed this Center is very important to the community in order for children to be involved in programs. She added that she had met with and discussed concerns with various owners in the immediate area in regard to some concerns. She pointed out that they would continue having their monthly meeting with representatives of the community along with the Police Department to discuss concerns in order to continue to improve the neighborhood. She stated that they are basically helping and setting an example for the young individuals to become community citizens and take pride in their environment. She noted that they have security at their events, peer supervisors and volunteers as well as staff. She explained that they have a "no in and out" policy at the new location. She further indicated that during the week they have a job placement program to prepare youth with job skills and to enhance the lives of the youth.

Commissioner Whipple discussed a condition of approval that is not consistent with what Ms. Styron is proposing in relation to security guards and asked for an explanation. Ms. Styron responded that they have one paid security guard, three staff members and volunteers. She added that if additional security guards were needed they would hire more. She then requested that the condition be modified.

Ms. Wheeler recommended deleting that condition because it is already covered under Condition 9. The Commission agreed.

Chair Alden opened the public hearing on this item.

Lilo Heller, 903 Lincoln Ave., San Rafael, expressed concern for the parking in that area

due to the Teen Center. She believed the organization is great for the community, but felt this location is not appropriate. She further pointed out that live music in the evening would add to the traffic congestion, especially on Friday and Saturday nights.

Michael Heller, 1681 Pleasant Hill Rd., Lafayette, expressed concern for this Teen Center being located in a retail environment. He reiterated the parking concern and believed additional parking spaces are needed. He felt vandalism would occur once the youth leave the Center. He pointed out that the economic environment and demographics are the same as Walnut Creek and more redevelopment is needed in downtown San Rafael. He further urged the Commission to relocate this Center.

Jay Luther, VP of MIYO, pointed out that this is a faith organization and noted that the issues raised are valid concerns in the absence of MIYO. He added that the new Teen Center would be located a few blocks from the old Center, and parking had always been an issue. He further stated that if problems arise those matters could be brought forward to the Commission at that time.

There being no further public testimony on this item, Chair Alden closed the public portion of the testimony and brought the matter back to the Commission for discussion and action.

Commissioner Whipple appreciated the comments that were raised by the neighbors, but believed Condition 8 would satisfy those concerns related to parking and vandalism. However, should problems arise, he expected that the neighbors would inform the Commission in order for this permit to be reviewed.

Ms. Wheeler reiterated to the Commission that Use Permit Condition 4 would be deleted in its entirety.

Commissioner Scott felt the benefit of the Teen Center would outweigh the other concerns and noted his support for staff's recommendation.

Chair Alden pointed out that most juvenile crime occurs at Northgate Mall. He then noted his support for the use permit. He also agreed with staff's recommendation of deleting Condition 4.

Commissioner Paul supported the use, but suggested reconfiguring the parking, if parking became a problem in the future that they would seek parking solutions. Commissioner Atchison disagreed and did not believe parking is a problem.

Chair Alden asked for a motion.

Commissioner Scott moved and Commissioner Atchison seconded, to adopt a resolution approving the Use Permit and Environmental and Design Review Permit for the proposed project as presented by staff with Condition 4 being deleted. The motion carried by a unanimous vote by the Commission.

- AYES: Commissioners: Scott, Atchison, Alden, Kirchmann, Lang, Paul, Whipple
- NOES: Commissioners: None
- ABSENT: Commissioners: None
- ABSTAIN: Commissioners: None

Chair Alden announced at 8:28 p.m. that a five-minute recess would be taken and then the Commission would reconvene with the 2020 General Plan discussion related to Safety, Noise, Conservation and Air and Water Quality.

PUBLIC HEARING

- 4. **Draft San Rafael General Plan 2020** – Continue Public hearing related to Safety Noise, Open Space, Conservation and Air and Water Quality and Public Hearing related to Infrastructure, Governance, Culture and Arts, Parks and Recreation Elements. APNs: Citywide and San Rafael Planning Area; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 12/10/04.

**Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson**

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission reopen public hearing on merits of the draft General Plan 2020 policies related to the draft Safety, Noise, Open Space, Conservation, and Air and Water Quality elements; Accept, or provide additional direction as desired, on recommendations regarding the draft Safety, Noise, Open Space, Conservation, and Air and Water Quality elements; reopen public hearing on merits of the draft General Plan 2020 policies related to the draft Infrastructure, Governance, Culture and Arts, and Parks and Recreation element; and continue public hearing, raise questions an identify desired revisions to the draft Infrastructure, Governance, Culture and Arts, and Parks and Recreation elements.

Ms. Jackson highlighted pages 3 and 4 of the staff report which contain staff's response to some of the questions or comments that the Commission raised at the last public hearing that required for elaboration or further analysis. She pointed out that Exhibit 4 on page 19 is the beginning of the attachment that would be included in the Commission's Resolution of the recommended changes to the General Plan and that Resolution would include the third column that listed the edits that were agreed or discussed as part of the deliberations.

Chair Alden opened the public hearing on the General Plan elements discussed at the last

meeting related to Safety, Noise, Open Space, Conservation and Air and Water Quality. Barbara Salzman, representing the Marin Audubon Society, recommended the following changes:

Protected Open Space

OS-1
Add wildlife movement corridors and endangered species to "b."

PH-9
PH-10

OS-1-b
First sentence: add the option of acquisition of fee title or acquiring easements for preserving open space. Consider Marin Audubon Society either as interim or permanent owner of wetlands as an option for Baylands Open Space Protection instead of relying on homeowners.

OS-2-a
Wildlife Management Plan. Wildlife habitat protection should be added to the list in sentence three that should be addressed in a management plan and state that representative for habitat protection should be included on the Committee.

PH-11

CON-2 Wetlands Preservation

This policy should contain the ability to preserve wetlands by means other than mitigation, which implies that development has to take place for wetlands to be preserved. This is not the case. They suggest that the policy allow for acquisition of fee title and/or easements, even if the City itself did not wish to purchase property or accept easements. The Marin Audubon Society may wish to work to acquire the Baylands.

PH-12

CON-3 Unavoidable Filling of Wetlands

This policy should contain additional information to define what "unavoidable" fill is. "Unavoidable" is in the eye of the beholder. They suggest that filling be allowed only if the use is in the interest of the public at large, not just benefiting limited groups of people. In addition, the waiver language should be deleted. Providing an avenue for approving the loss of wetlands, no matter what the size or location, is contrary to policy CON-3 that Wetlands fill be avoided because of the value of these resources. Further, isolated wetlands are of great value because they are rare and provide water source where much resources are limited. The City should not set a process to waive protections for these wetlands.

PH-13

Creation of Wetlands

Created wetlands should be the same habitat type of those they would be replacing, not similar. "Similar" in this context is unclear and would allow for a broad variety of types. This policy also has a problematic qualification: if on-site creation is infeasible due to technical constraint, habitat may be created off site. What exactly is a "technical constraint?" They also suggested adding a section to this policy indicated that the use of wetland mitigation banks are not acceptable for projects in San Rafael.

PH-14

CON-4 Wetland Setbacks

The Plan calls for a minimum 50-foot development-free setback, which is somewhat of an improvement, but still problematic language. They suggested using the term "developed uses," and the contents of setbacks should only include native plants with high habitat value for the species that are anticipated to use the wetlands. They believed the provision for waivers should be removed.

PH-15

CON-6 Creek and Drainage Way Setbacks

If there is a 50 to 100-foot setback that would be required. Certainly in heavily developed areas this may not be feasible. But development should be as far away as possible. Riparian buffer should at least protect existing native vegetation. Removing of vegetation and other trashing of stream banks should not be an excuse for allowing development right up to the edge of the creeks.

PH-16

Ms. Salzman recommended that there be a specific setback from drainages instead of leaving it up to the whims of the developers. In keeping with the laudable goals of CON-6, they suggest at least 25 foot setback from drainage ways. Drainage ways are the beginning of the riparian ecosystems. If they do not have adequate width and native vegetation, water quality for the entire remainder of the creek ecosystem will be degraded.

PH-17

CON-7 Public Access to Creeks

All public access should be outside of setback areas and should be designed to avoid impacts.

PH-18

CON-9-b

It is not just feral cats that heavily impact the bird population, it is all Joose cats. Further, they are unaware that the Humane Society actually has a program to reduce feral cat population.

PH-19

Native Plants and Wildlife Habitat

This section should contain policies to protect native oaks, other native trees and native woodlands as well as native grasslands. These are important and diminishing habitats.

PH-20

CON-13- Threatened and Endangered Species

This should also call for preserving and protecting the habitats upon, which the endangered species depend.

Commissioner Kirchmann joined the Planning Commission meeting at 7:24 p.m.

PH-21

Lee Marckrack, 20 Marina Bay Park Ct., San Rafael, commented on air quality and truck noise. He provided the Commission with a picture of a Quarry blast that occurs once or twice a week for their consideration to understand the amount of dust that impacts the residents. He expressed concern for the Rock Quarry continuing for another 20 to 30 years because the Rock Quarry is not addressed in the General Plan. He then read a poem into the record for the Commission's consideration in relation to truck traffic, which

should be addressed.

Commissioner Lang joined the Planning Commission meeting at 7:28 p.m.

Joseph Carmucci, 54 Mark Dr., Suite 102, San Rafael, member of Glenwood Homeowners Association and the Board of Directors of the Point San Pedro Coalition, discussed the Noise Element and felt it should cover information regarding noises from highways, freeways, major local streets, the San Rafael Rock Quarry including McNear's Brickyard. He pointed out that the problems at McNear's Brickyard were not identified. He stated that the noise impacts are from blasting, rock crushing, rock washing, loading into barges, equipment backup lights, truck activity in and out of the Quarry and importation of raw materials and kiln oven operations. He then provided the Commission with a five-page document addressing his comments and concerns in more detail for the Commission's consideration.

PH-22

Francis Nunez, San Rafael resident, discussed the Noise Element and commented on the exhibits and pointed out that they are the same as in the 1986 General Plan. She believed the heliport should be left separate. She noted that in 1986 the General Plan indicated that if the airport remained and did not increase in operations, it would be acceptable from a noise impact standpoint. She added that not much has changed, so the intent of the North San Rafael Vision was to keep the existing airport in conformance with the restrictions and there was never any intent to increase operations. She suggested changing N-7 to state, "if the airport did not increase in operations, it would continue to be acceptable from a noise standpoint." She also desired N-7 to have two polices, N-7 and N-8. She pointed out that current wording would mean an increase in operations and Federal law allows up to 65 decibels. She explained that the City cannot regulate airport noise, but can regulate operations of no helicopters, flight training or commercial flights.

PH-23

Jean Starkweather, 612 Las Colindas Rd., San Rafael, had technical corrections to Exhibits "33," "34," "36," and "37" and asked the Commission if she could meet with staff and present her changes in order to move forward as part of the General Plan. The Commission agreed.

PH-24

Carol Skalko, Glenwood resident, commented on air quality and indicated that she cannot breathe in her backyard from the Quarry operations. She further asked the Commission to monitor the air quality and noise.

PH-25

There being no further public testimony on the General Plan Elements discussed at the last meeting, Chair Alden closed the public portion of the testimony on those related items. He then announced to the audience that the Commission would discuss the Consent Calendar items and then continue with the discussion on the General Plan 2020.

Safety Element

S-15

Commissioner Whipple believed the City of San Rafael should have an informed

approach to this matter and have a goal that buildings are not underwater. He felt his concerns were dismissed quickly and hoped the building department would take into consideration the soils, flooding, drainage and infrastructure before dismissing the issue. He desired a foundation that would protect the building through the life of the building. He also believed 30 years is irrelevant and suggested stating the assumptions that would lead to 30 years.

Commissioner Kirchmann noted that the object is to ensure that the building will remain above the level of the 100-year flood, but exactly how to accomplish that result is the bigger issue.

Commissioner Whipple suggested stating, "*the final floor elevation shall account for settlement over the expected life of the structure and considering all the other relevant factors such as the area infrastructure.*" Staff agreed to study this section in more detail.

S-x

Commissioner Kirchmann believed it is not appropriate policy for this City to require the next individual into a particular neighborhood to pay for the entire cost of what is an existing inadequate drainage system. Mr. Brown responded that staff would modify the program wording indicating that they are talking about improvements based on additional run-off from the project itself.

Chair Alden discussed the Merrydale project and if the General Plan language had been more specific and called out the community expectation that a larger project has the responsibility to provide for flood control, then in the future that would not be an issue. Commissioner Kirchmann asked staff to review Policy S-16-a as well. Staff agreed.

S-22-c

Commissioner Kirchmann discussed maintaining and upgrading vehicles and equipment as necessary and believed additional resources such as grants and capital improvements should be considered. Staff agreed.

Commissioner Kirchmann commented on incorporating a policy of studying the Canal area and noted that it is addressed in part in the Community Development Element, but the comment to consider and track is the notion of studying enhancement of the Canal area more globally. Ms. Jackson responded that at the next General Plan meeting staff would discuss that issue.

Noise Element

N-5

Commissioner Kirchmann appreciated staff's response to the questions he raised at the last meeting, but suggested incorporating a clarification that N-5 would address impacts of proposed development at locations that are either on or off the site with the noise condition of 65 decibels or greater. Staff agreed.

N-6
Chair Alden discussed the Rock Quarry and asked staff to provide additional information. Mr. Brown responded that the City has no enforcement authority over the Quarry, so they cannot apply the City's noise standards or air quality requirements. In particular, truck traffic is preempted by the state vehicle code and the City cannot regulate noise impacts from commercial traffic. He added that the policy included in the Neighborhood Element talks about expecting the Quarry to continue operations. However, if the Quarry ceased, then any kind of re-use must take into account these factors and it would be very difficult for the City at this point to try to anticipate the land use and environmental questions which would be addressed in the EIR and they do not have the capability of conducting those analyses at this time.

Commissioner Lang asked staff to consider a statement in regard to the current operations of the Quarry, acknowledging that the Quarry is a source of noise to residents in San Rafael and follow a similar program as with the airport in N-7.

N-7
Commissioner Kirchmann asked staff the status of the heliport. Mr. Brown responded that the facility is still in minimal use.

N-10

Chair Alden clarified that the only edit suggested is the cross-reference to the Quarry. Ms. Jackson responded in the affirmative. Chair Alden also suggested that this would be an appropriate location to introduce the previously discussed language in regard to the Quarry. Staff agreed.

Conservation

CON-3

Commissioner Atchison added that following language to the second sentence: "*that if fill is unavoidable and if the proposed use and loss of wetlands is in the interest of the public at large.*" He also added language to CON-3-a to state, "*that wetland banks is not acceptable.*" Mr. Brown responded that they might desire to be more specific in regard to "*unavoidable.*" Chair Alden agreed. Mr. Brown discussed the wetlands banking and staff desired to come back with some consideration on that matter.

Commissioner Atchison reiterated his concern for CON 3 and suggested stating, "*wetland mitigation banks outside of the City of San Rafael is not acceptable.*"

Commissioner Scott preferred to review those on a case-by-case basis. Staff agreed to work on the language without being prohibitive.

Commissioner Lang suggested replacing CON-3 with Commissioner Scott's language of "*a case-by-case basis.*" She also asked staff to define "*unavoidable.*" Staff agreed to define these issues in more detail.

CON-4

Chair Alden added the word, "maximum" to the proposed edit.

CON-9

Commissioner Atchison discussed protection to special status species and added language to the last sentence to state, "and will provide protection to special status species." He also discussed specific well-known endangered material and suggested adding more flexibility by indicating native grasses and trees to that language.

CON-9-a

Commissioner Atchison recommended adding California Shrimp habitat as well.

CON-9-b

Commissioner Atchison pointed out that cats account for five million dead songbirds. He added that they cannot regulate cats as pets, but suggested adding language to address the fact that owners should keep their cats indoors. Chair Alden suggested including in the General Plan a "Wildlife Management Plan." Commissioner Atchison agreed. Staff agreed to investigate.

CON- 13

Commissioner Atchison suggested adding the term, "species of interest." Mr. Brown responded that CON-14 deals with special status species, but staff would discuss this matter with their consultant and report back findings.

Air and Water Quality

There were comments.

Open Space

Chair Alden incorporated Ms. Salzman's concerns and believed they are better addressed in the Conservation Element as previously discussed. Staff agreed to review and provide recommendations.

Linda Jackson, Principal Planner, summarized the staff report related to the following topics to be discussed:

- Infrastructure
- Governance
- Culture and Arts
- Parks and Recreation Elements

Chair Alden opened the public hearing on items related to Infrastructure, Governance, Culture and Arts and Parks and Recreation Elements.

Sandra Sellinger, San Rafael resident, Director and Founder of Marin Releaf, addressed three issues for the Commission consideration as follows:

1. Moving street trees and parking lot landscaping to infrastructure;
2. Term of "street tree and landscaping" be brought up to date with the modern theory of ecosystem; and

3. Transferring the management of street trees to property owners.

Ms. Sellinger pointed out that street trees are vital to San Rafael and must be reviewed as an asset and part of the on-going infrastructure. She explained that street trees help mitigate noise, reduce speed and calm traffic. She also believed trees reduce pollution, crime, and promote safety as well as lessen vandalism. She added that street trees prolong health and improve employee and student performances. In conclusion, placing street trees into the infrastructure element and creating a new goal of urban forestry would be beneficial to the City.

Hugo Landecker, 127 San Rafael Ave., San Rafael, discussed Infrastructure on page 198 regarding water and encouraged MMWD to establish more plans for water. He stated that if there is another period of drought there is currently no solution to conserve water and what is needed is to review the water supply, which would control housing in the community. He commented on Cultural and Arts under Protected Cultural Heritage on page 221 and believed there is a lot of interest in historical preservation and suggested modifying the title. He discussed Goal 26 and felt the first sentence should be rewritten because it is a very awkward sentence and must be addressed. He also commented on City policy and stated that the Commission must understand that this ordinance preserves landmarks and there are probably 15 buildings in San Rafael called "landmarks." He noted that there is a list of historical and architecturally significant buildings addressed in CA-14-b to update that list and hoped the Commission understands the implications. He further recommended added three programs under the historic preservation aspect as follows:

1. To investigate or consider the possibility of having a Historical or Architectural Commission.
2. To encourage the formation of historic districts in order to help preserve areas of older homes.
3. To encourage the formation of citizen groups that are centered toward historic and architectural preservation.

Chuck Stucky, Board of Library Trustees, discussed CA-12 and pointed out that the Board is on record deleting the words "renovate and expand," and only using the word "replace." He then discussed CA-12-a, which should state, "finance needed for replacement of library facilities."

Don Dickenson, Jewel Ave., San Rafael, discussed PR-9-c on page 232 and suggested that the wording be replaced with the wording included in NH-70 in order to be more general to state, "To pursue opportunities to provide a neighborhood park or recreation facility in Dominican/Black Canyon." He also explained that under the neighborhood section it referred to PR-9-a, which is Bellam/Windward Way and assumed it should state, "PR-9-c" as well.

Dolores Rogers, 234 Bay view St., San Rafael, discussed CA-14 on page 223 and encouraged the Commission to establish a Historic Preservation Advisory Committee as referenced under CA-14-c. She believed it is critical and hoped staff would welcome

PH-26
cont.

PH-27

PH-28

PH-29

PH-30

PH-31

PH-26

volunteers to help with the inventory update.

Jean Starkweather, 612 Colindas Rd., San Rafael, addressed PR-9-a in relation to the Bellam/Windward Way site and it was agreed that the fill on that site would be retained as a City owned recreation site. She noted there is a sentence added that was not included when the Steering Committee considered this section that stated, "consider development on a portion of the site for private or public non-recreational use if it would benefit the neighborhood and provide funding for park improvements." She explained that the City's standards for parks is 3-acres per 1,000 people and pointed out that 17-acres would not cover the needs of 12,000 people. She added that staff had been concerned about the fiscal constraints of parks, not only building the park, but also maintenance of the park. She believed this policy is not studying the long-term needs and urged the Commission to delete that sentence. She also discussed the neighborhood section on page 91 under NH-83 that stated, "encourage a coordinated circulation system and design layout for the City park site, Canahways and adjacent Windward Way residential," which in her view made sense.

PH-32

Roger Roberts, Southern Heights Blvd., discussed PR-7 on page 230 and urged the City to address the upper portions of the park in order to have nature trails. He commented on page 232 of PR-9 where it referred to specific park sites in various parts of the City and asked the Commission to introduce and consider "pocket parks" throughout the City and neighborhoods. He also asked the Commission and City Council to consider the possibility of connecting pathways, a Promenade, walkways and sidewalks to the downtown and Canalfront.

PH-33

Timber Cavastion, Gertle Park resident, discussed street trees and agreed that they belong in the infrastructure with sidewalks because street trees provide great character. She believed street trees are part of the infrastructure. She also encouraged simplifying the term "historic preservation" in order for individuals to understand and comment. She further believed it is critical for high-density areas to have a park.

PH-34

There being no further public testimony on this item, Chair Alden continued the public portion of the testimony on the related items discussed to the next meeting and brought the matter back to the Commission for discussion.

Infrastructure

I-1-b
Commissioner Scott recommended updating the City's website policy program and encouraged the use of the website as a manner of achieving citizen input. Public Works Director agreed.

I-3
Commissioner Paul suggested including residential as well. Commissioner Lang suggested stating, "promote availability of reliable and reasonable priced utilities necessary for businesses and residences." The Commission and staff agreed.

I-4-a-x
Commissioner Kirchmann pointed out that no resources are indicated.

I-5
Chair Alden noted that the word "implementation" was removed and asked staff to explain. Public Works Director responded that the City rather use their own engineers and inspectors instead of unofficial inspectors.

Text between I-5 & I-6 regarding Street Maintenance & Landscaping
Chair Alden recommended including Ms. Sellinger's comments in relation to street trees. Public Works Director agreed and believed it is a great idea to develop a proactive maintenance program to maintain a very valuable resource to the City.

I-6
Commissioner Lang desired a different example in relation to medians along San Pedro Road.

I-7-b
Staff noted that street trees would be relocated to I-6 from CD-20.

I-14-b
Commissioner Atchison pointed out that San Rafael has very unique topography in the City and stated that in the upper Terra Linda community there is no wireless telecommunication present. He believed language should be added to indicate how the City would work with the providers and suggested having a new policy. Ms. Jackson responded that staff would add some specific examples. Commissioner Atchison suggested deleting this program. Commissioner Lang believed community leaders and City officials could lobby for upgrades. Staff agreed to study in more detail.

Parks and Recreation

PR-2
Chair Alden agreed with the idea of "pocket parks" and if there is consensus on that issue this would be an appropriate area to add such language. Commissioner Scott agreed and suggested rewriting PR-2 to encourage 3-acres, but to also indicate that the City would review other opportunities that arise. Commissioner Paul agreed.

Commissioner Atchison believed parks should be reviewed on a case-by-case basis.

Chair Alden suggested including sub-paragraph "C" to read, "Pocket parks - of less than 3-acres may be desirable where they present unique opportunities for recreation, particularly in communities underserved by existing parks." Parks and Recreation Director agreed to review.

PR-4
Commissioner Atchison believed this section is much too specific and suggested deleting

the example of "soccer" and suggested stating, "fields for active sports." Commissioner Scott suggested changing the word, "specifically," to "for example." Parks and Recreation Director agreed to state, "active sports." The Commission agreed.

PR-7

Commissioner Kirchmann desired reaction from staff about developing the upper portion of Gerstle Park. Parks and Recreation Director responded that an overall picture is not established in regard to this park and any master plan would include the entire park boundary, which is the developed and undeveloped areas. Commissioner Kirchmann suggested stating, "address renovation needs and consideration of additional development." Staff agreed to work on additional wording for the Commission's consideration.

PR-9

Chair Alden agreed with Ms. Starkweather's comments about private non-recreational use having to do with the Bellam/Windward Way site and believed it suggests too strongly that it is an option preferred by the community. Parks and Recreation Director responded that the developable parcel is less than 6-acres and staff had not reached a consensus on that parcel, so staff is far from being able to identify what would fit in this area. Staff added that the intention was that if there was a public/private partnership that it be considered if it would benefit the public.

Commissioner Atchison expressed concern for "non-residential" and recommended that staff propose alternate language. Staff agreed.

Chair Alden suggested making the change in regard to Mr. Dickenson's comments in relation to the Dominican language. Staff agreed. Chair Alden also desired a cross-reference to NH-83 as well. Staff agreed.

PR-12-b

Commissioner Scott asked staff to define a "trip bypass reduction." Mr. Brown responded that it is vehicular trips not really destined for a site specifically. Staff agreed to re-examine this section.

PR-14

Commissioner Atchison asked staff for examples of "unexpected places." Staff agreed.

PR-16

Chair Alden discussed the Promenade and believed that concept is key. Ms. Jackson responded that staff tried to consolidate and moved that language to the Circulation Element, but agreed to add a reference under PR-9 where it discussed new parks. Chair Alden agreed.

Appendix D

Commissioner Kirchmann recommended updating the Appendix in particular, Nova Albion. Staff agreed.

Culture and Arts

CA-5

Commissioner Atchison expressed concern for the last sentence reflecting the ethnic and cultural heritage of residents in San Rafael and believed it should reflect "a diverse cultural heritage."

CA-5-a

Commissioner Atchison discussed the first sentence and believed a word is missing and suggested stating, "reflect diverse and cultural heritage." Commissioner Lang recommended deleting the entire first paragraph and make CA-5-a, CA-5. Commissioner Kirchmann recommended deleting the first sentence of the policy, leaving the second sentence of the policy and the implementing program. Staff agreed to review.

CA-7-b

Commissioner Scott discussed Planning Commission's Resolution about the "Mural Revolution" and asked staff to explain. Ms. Jackson responded that there is a resolution that the Commission adopted years ago that addresses the process of mural review. She agreed to provide the Commission with a copy of the resolution for their review.

Commissioner Atchison expressed concern for the timeframe and felt CA-7-b should be long-term and have CA-7-c be short-term.

CA-9

Commissioner Atchison believed this section should be reworded to state, "maintain, develop and encourage." Staff agreed.

CA-10-a

Chair Alden suggested adding the Task Force language back into the document to state, "establish a task force to review and update." Staff agreed to re-examine this section.

Commissioner Kirchmann noted that the direction from the Council was for the Parks and Recreation Commission to oversee the next three years to receive appropriate citizen input and recommended considering that aspect as a short-term implementation program. Staff agreed to draft language.

CA-12

Commissioner Kirchmann desired to pursue Mr. Stucky's suggestion regarding the library and hear staff's input on the wording of "renovate, expand or replace." Staff argued for broader language and believed that to preordain would be unwise at this point.

Commissioner Atchison expressed concern for the word "renovate." Staff agreed to delete the word "renovate."

CA-13-a

Commissioner Scott pointed out that the City has two very good libraries in their two high schools and believed it would be a great opportunity to integrate those two libraries into the City's library or include them in the computerized catalog in order for students to have direct access. Staff agreed to discuss the matter with the City librarian.

CA-14

Chair Alden discussed the Historic Preservation Advisory Committee and requested that it start as soon as possible. He also suggested that consideration be given to historic preservation.

Commissioner Paul suggested adding the word "*volunteers*" to the process. Staff responded that the ordinance clearly would be a public process, but the public would not draft the ordinance. Chair Alden suggested having the Historic Preservation Advisory Committee provide advice on policies related to historic preservation. Staff agreed.

CA-15

Commissioner Kirchmann added S-8 as a cross-reference.

CA-16

Chair Alden asked staff to discuss what happened to the old CA-16 related to compatibility of new development in downtown. Staff responded that the Redevelopment Agency felt it is too specific to the downtown and believed there are other policies in the General Plan that talk about general compatibility of buildings that did not necessarily focus on the downtown. Chair Alden suggested adding the original language back into the document. Ms. Jackson responded that staff would provide the language for further consideration.

Governance

G-2

Commissioner Scott and Chair Alden provided a few edits to staff to be revised.

G-5

Commissioner Lang desired regional leadership beyond San Rafael in order to have advocacy at State level.

G-5-b

Chair Alden provided an edit to staff to be revised.

G-9

Commissioner Kirchmann clarified that "term limits" are being considered. Staff responded in the affirmative. Commissioner Atchison expressed concern for term limits.

G-12-a

Chair Alden desired to have community centers and community services remain in the document.

G-17

Chair Alden discussed the classes provided at the Center and believed community involvement is important and recommended specifically calling out "ESL." Commissioner Paul agreed. Staff agreed to provide examples.

G-24-b

Commissioner Kirchmann suggested inserting the word "*adversely*" to the second sentence. Staff agreed.

Commissioner Atchison suggested adding a cross-reference to "*diversify*" that is necessary to make the area viable. Staff agreed.

Commissioner Scott asked staff if there is a potential conflict between "G24-b" and "H-18" in relation to rezoning sites. Staff agreed to discuss the matter with legal counsel.

Chair Alden discussed Mr. Landecker's concerns in relation to water and how to coordinate the increased housing need with the water supply and requested that staff provide a brief presentation on how housing is planned in conjunction with water. Staff agreed.

DIRECTOR'S REPORT

Mr. Brown had nothing further to add.

COMMISSION COMMUNICATIONS

Chair Alden announced that the next meeting would be February 10th, 2004 at 7:00 p.m.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 11:50 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
February 10, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann Lang,
Paul (*arrived at 7:14 p.m.*), Scott, Whipple

Commissioners Absent: None

Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner;

UNAPPROVED

AYES: Commissioners: Alden, Atchison, Kirchmann,
Lang, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

- 1. Minutes, January 22, 2004 and January 27, 2004

Chair Alden asked for a motion.

Commissioner Kirchmann moved and Commissioner Scott seconded, to approve the Minutes from January 22, 2004 as presented. The motion carried by a unanimous vote by the Commission.

RECOMMENDED ACTION

PUBLIC HEARING

- 2. **Draft San Rafael General Plan 2020** – Continue Public hearing related to Infrastructure, Governance, Culture and Arts, Parks and Recreation Elements and open Public Hearing related to Land Use, Housing, Neighborhoods, Economic Vitality and Community Design Elements; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 02/24/04.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

CONSENT CALENDAR

- 1. Minutes, January 13, 2004 and January 27, 2004

RECOMMENDED ACTION

AGENDA

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Kirchmann, Scott, Alden, Atchison,
Lang, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul
ABSTAIN: Commissioners: None

Commissioner Kirchmann added the word "no" to page 12 under Air and Water Quality Element to state, "*There were no comments.*"

Commissioner Alden added the words "*when youth are unsupervised such as*" to the second paragraph on page 5 from the bottom to read, "*Chair Alden pointed out that most juvenile crime occurs when youth are unsupervised such as Northgate Mall.*"

Jean Starkweather changed the word "*residential*" to "*recreational*" on page 16 to the fourth paragraph from the top to read, "*Commissioner Atchison expressed concern for "non-recreational" and recommended that staff propose alternate language.*"

Chair Alden asked for a motion.

Commissioner Scott moved and Commissioner Atchison seconded, to approve the Minutes from January 27, 2004 as amended. The motion carried by a 4:2 vote by the Commission, with two abstentions by Commissioner Kirchmann and

Commissioner Lang.

AYES: Commissioners: Scott, Alden, Atchison, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul
ABSTAIN: Commissioners: Kirchmann, Lang

PUBLIC HEARING

2. Draft San Rafael General Plan 2020 – Continue Public hearing related to Infrastructure, Governance, Culture and Arts, Parks and Recreation Elements and open Public Hearing related to Land Use, Housing, Neighborhoods, Economic Vitality and Community Design Elements; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 12/24/04.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission reopen the public hearing on merits of the draft General Plan 2020 policies related to the draft Infrastructure, Governance, Culture and Arts, and Parks and Recreation Elements; accept, or provide additional direction as desired, on recommendations regarding the draft Infrastructure, Governance, Cultural and Arts, and Parks and Recreation Elements; open public hearing on merits of the draft General Plan 2020 policies related to the draft Land Use, Housing, Neighborhoods, Community Design, and Economic Vitality Elements; and continue public hearing, raise questions and identify desired revisions to the draft Land Use, Housing, Neighborhoods, Community Design, and Economic Vitality Elements.

Commissioner Scott encouraged staff to discuss access to school libraries. Library Director Vaughn Stratford responded that access to school libraries must be approached by the City to encourage school districts to have high school libraries and City libraries work together.

Commissioner Paul joined the Planning Commission meeting at 7:14 p.m.

Chair Alden discussed the street tree policy and noted that his intent was to include comments from the public that street trees be a City priority. Bob Brown, Community Development Director, responded that the program talks about “considering” a program that would transfer responsibility over to private property owners. Chair Alden asked staff to clarify that section in such a manner that the City would not turn all maintenance responsibilities over to private property owners, but share in the responsibilities with private property owners. Mr. Brown noted that staff would provide more clarity.

Chair Alden opened the public hearing on the General Plan Elements discussed at the last meeting related to the Infrastructure, Governance, Cultural and Arts, and Parks and

Recreation Elements.

Jean Starkweather, 612 Las Colindas Rd., San Rafael, pointed out that on page 228 under the listing of park and recreational facilities in the City, “Ranchitos Park” and “Redwood Village Park” are the same. She asked staff to delete the “Fred Jensen Park” because to her knowledge that park did not exist. She added “softball field” to No. 51. She preferred using the originally wording in the August draft on page 225 rather than using term “memorializing.” She also discussed Appendix B and requested that the section list the softball field and the number of acres should be changed.

PH-35

Hugo Landecker, 127 San Rafael Ave., San Rafael, pointed out that the housing scenarios are located in the back of the General Plan and was not included in the various elements, which are very important and should be addressed. He discussed Cultural and Arts under CA-14 and added two items: 1) to encourage the formation of historic districts; and 2) to encourage formation of historic preservation groups. He then discussed the Table on page 370 in relation to the “Short School” site and noted that childcare had been moved to the B Street Community Center. He also suggested changing “low priority” to “high priority” for City acquisition because he believed the current building could be used as a community center. He noted confusion for Rule 20A and 20B should be defined or deleted. He commented on I-14 and added language about telecommunications wires that run through neighborhoods because in his view it is visual blight.

PH-36

Fred Grange, San Rafael resident, discussed parks and noted that there had been a longstanding goal to maintain the 100-foot shoreline band for the Shoreline Park. He requested that there be a goal established that the Shoreline Park not be impeded or infringed upon.

PH-37

Kay Noguchi, 554 Woodbine Dr., San Rafael, discussed Policy G-7 on page 204. She indicated that the original program G-7-a was dropped in the current draft and a new Policy G-7-b was added. She added that without G-7-a there is a disconnect between policy and program. She then read the original program into the record: “Neighborhood meetings for proposed development. Continue to enhance San Rafael’s neighborhood meeting program for early participation in the review of projects.” She felt it is important to have it included in the element because it is one of the key factors of Governance participation.

PH-38

Sharon Fox, 127 Humbolt St., San Rafael, concurred with Ms. Noguchi that notification is a major issue.

PH-39

Sandra Sellinger, 72 Brentwood Dr., San Rafael, representing Marin Releaf is opposed to turning over street tree maintenance to property owners. She proposed that the City remove the trees that would be a liability to the City within the next few years due to their health, disease and age and turn them into a financial resource for the City. She added that by planting new trees in their place, they could start to sustain the urban forest by introducing new species and age of trees. She pointed out that Federal Government and State have Departments of Urban Forestry to develop solutions to what currently exists. She further suggested that the proposal be changed to create a blue ribbon panel to

PH-40

investigate a sustainable program for the City's trees.

Sandy Greenblatt, 105 Bay Way, San Rafael, discussed the changes in the community and agreed that health and safety issues are primary. He pointed out that the resources for accomplishing Cultural programs include the general fund and grants all through the first half of the Cultural and Arts Element and asked the Commission to modify or to allow volunteers to modify the method of funding the targeted issues contained in the Cultural and Arts Element in the General Plan draft. He stated that they need choices to go for public/private partnerships, private funding, matching grants and donations of any sort that would help fund the programs and policies of Cultural and Arts.

Sharon Fox, 127 Humboldt St., San Rafael, commented on Infrastructure stating that urban forestry has a great effect on design and design has a great effect on economic viability. She concurred with Ms. Sellinger's comments in relation to street trees and felt it is important for the City to care for these street trees in order to have a great impact on the downtown being a viable destination spot as well as hide architectural blights.

There being no further public testimony on the General Plan Elements discussed at the last meeting in relation to Infrastructure, Governance, Cultural and Arts and Parks Recreation Elements, Chair Alden closed the public portion of the testimony on those related items and brought the matter back to the Commission for discussion.

Ms. Jackson noted that staff would work with Community Services on where they could expand on the resources listed in the Culture and Arts programs as well as work with Mr. Greenblatt.

Infrastructure

I-4-a

Commissioner Kirchmann asked staff to explain Rule 20a and Rule 20b. Mr. Brown responded that those are required funds for underground projects by PG&E, but agreed to clarify the reference.

I-7-x

Commissioner Kirchmann discussed urban forestry and felt the former CD-20-a addressed the idea of developing a program for management and enhancement of the urban forest. He also welcomed the idea of soliciting and taking advantage of community input in that process. He also discussed the former Policy CD-20-c, which is considering imposing some responsibilities on private property owners and accepts the policy as it stands in terms of considering shared financial responsibility. He added that a realistic possibility is to impose part of that burden on the adjacent private property owner and believed it is important to leave that alternative in the Plan to be considered and flushed out. Mr. Brown responded that it is directing Public Works to establish a program that would increase responsibility of the property owners, but the program has not been defined and would involve substantial community input. He explained that the street tree maintenance relates to sidewalk maintenance. He added that late February the City would

have a federal audit in relation to ADA compliance, and a large part of that would be the sidewalks, so one program discusses considering putting some of that financial burden for replacement of raised sidewalks or deteriorated on private property owners. He further noted that this is a companion measure and his understanding is that Public Works would bring both forward within the next six months.

Commissioner Lang suggested adding the word, "financial" to read, "considering an ordinance placing greater financial responsibilities on property owners for maintenance and replacement of street trees." Mr. Brown agreed to investigate.

Chair Alden expressed concern that the property owners do not have the same expertise to maintain the street trees in a thriving condition as a City and did not desire unintended consequences. Mr. Brown stated that there was no intent that the City would give up oversight of street trees and allow their removal without replacement.

Commissioner Kirchmann suggested eliminating what was formally CD-20-c, and integrate the funding into what was CD-20-a, including funding sources and responsibility. Mr. Brown agreed to clarify the language.

I-14

Commissioner Kirchmann believed telecommunication wires should be underground to the greatest extent possible.

Cultural and Arts

CA-14

Commissioner Kirchmann asked staff's thoughts about establishing historic districts and encouraging architectural preservation groups. Mr. Brown responded that in CA-14-a it talks about updating the Historic Building Inventory and in CA-14 it talks about updating the preservation ordinance. He added that if, in the inventory update, there happens to be concentrations of noteworthy buildings, no doubt there would be a recommendation to create a historic district. This effort would be directed by an architectural historian. Regarding the City's sponsorship or trying to assist in the formation of an advocacy group, he has difficulty envisioning how the City could contribute to that process. He also stated that CA-14-c was added to provide additional expertise by members of the public or through consulting help, but he is unsure in terms of encouraging the formation of citizen advocacy groups.

Commissioner Paul suggested adding the idea of "encouraging" under CA-14-d.

Commissioner Whipple believed the Commission should hold off on this issue until the inventory is completed.

Funding

Ms. Jackson stated that staff would work with Carlene and Sandy Sellinger to study other ways to expand the resource listing of methods to implement these programs.

Commissioner Kirchmann suggested including a comment that applies to the resources section throughout the plan. Staff agreed.

Commissioner Whipple recommended adding language in relation to the City's role in grant applications. Staff agreed.

Parks and Recreation

Mr. Brown responded to Mr. Grange's comments and noted that reference to the mandatory 100 feet dedication for the Shoreline Park band was not included in the Plan. He added that the Shoreline Park Master Plan still exists and the City would continue to seek these dedications along the route, but the City cannot legally state that requirement in this General Plan as they have in the past due to Supreme Court cases relating to proportional nexus.

Commissioner Kirchmann asked staff to incorporate Ms. Starkweather's comments. The Community Services Director noted for the record that the "*Fred Jensen Park*" is located in Sun Valley, which is a very small piece donated to the City by the developer off of Robert Court and Jensen Way.

PR-6-a

Commissioner Paul expressed concern that improvements to the Terra Linda Recreation Center were considered long-term while Pickleweed and San Rafael Centers were considered short-term and felt they should all be in the same category. The Community Services Director noted that the Pickleweed expansion plan would be coming forward in the next three months and that is the reason for the short-term reference. There is little remaining for implementation on the Albert Park Master Plan. Staff added that a process for Terra Linda had not been established and of the three centers that is the longer-range project. Staff also noted that a Master Plan for Terra Linda could be initiated within a five-year period of time, but whether it could be completed is unknown.

Governance

G7-a

Commissioner Whipple asked staff if there is a reason why "*early notification*" language is not included. Mr. Brown responded that on page 139 it is included under CD-16-a and where staff can they would refer to another program in order to avoid duplication. Commissioner Whipple desired the language under G-7-a and asked if that could be incorporated into CD-16-a. Chair Alden concurred. Staff agreed.

Chair Alden suggested adding language of old G-7-a into CD-16-e in order to add value. Staff agreed to edit this section in order to capture all thoughts of the Commission.

Commissioner Paul believed the reference to CD-16-a should be revised as well. Staff agreed.

Ms. Jackson noted that staff received several pieces of correspondence since distribution

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of the staff report and staff provided copies as well as colored photographs for the Commission's review related to Cultural and Arts. She then provided the Commission with a schedule related to the Elements and the EIR. She further summarized the staff report related to the following Elements:

- Land Use
- Housing
- Neighborhoods
- Economic Vitality
- Community Design

Stephanie Lovett, from Economic Development Coordinator, described the proposed changes to the City's Inclusionary (Affordable) Housing Program requirements. She explained the current requirements for inclusionary housing and noted that 10% of the units must be affordable for every project over 10 units. Fifty percent of ownership units must be affordable to moderate income and 50% to low income. She added that rental units must be 50% affordable to low income and 50% to very low income. She indicated that they are reviewing the idea of increasing the inclusionary requirement between 10% and 20% based on the project size. She discussed a new section that would allow them to take in-lieu fees for fractional units and the in-lieu fee would be based on the difference between market rate housing and the price that is affordable for very low, low or moderate-income households. She also stated that currently they have a 55-year affordability requirement and discussed increasing that to perpetuity. She further added that there is a density bonus in the ordinance and they are looking at increasing that slightly to allow the developer to utilize the State law or 50% affordability for all bonus units.

Mr. Brown discussed the Jobs/Housing Linkage Fee and explained that in the 1990's, 15,500 jobs were added in Marin County, 8,100 housing units were built, most affordable only to high-income households. Most jobs were in low-paying retail and service sections. He explained that the inclusionary requirements and Redevelopment Agency housing funds would not achieve ABAG's 52% affordability requirement. He compared Justifiable Jobs/Housing Linkage fees and Proposed Jobs/Housing Linkage fees. He explained that the ordinance would apply to new non-residential construction, not use changes; construction of less than 5,000 square feet would be exempted; on- or off-site construction of affordable housing units would be an option; proposed fees constitutes 1.5 – 3% of construction cost or 1 – 2.5% of annualized rent; and the proposed fee is equivalent to existing traffic impact fees.

Commissioner Paul discussed the proposed Jobs/Housing License Fee and asked staff if an analysis has been done as to whether that could achieve affordable housing. Mr. Brown responded that it contributes to the current program, but would not generate a great deal of affordable housing. He added that given the amount of non-residential development anticipated, staff did not anticipate this ordinance generating a great deal of in-lieu fees.

Chair Alden clarified that the decision to set the fees under the Jobs/Housing Linkage

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Program 20% of the legally justifiable amount would generate funding without discouraging development. Mr. Brown responded in the affirmative.

Chair Alden announced at 9:00 p.m. that the Commission would take a five-minute recess and then reconvene with public comment.

Chair Alden opened the public hearing on the General Plan Elements related to Land Use, Housing, Neighborhoods, Economic Vitality and Community Design.

David Tattersal, 26 Beach Dr., San Rafael, Co-Chair, Loch Lomond Marina Committee, discussed the Land Use Element and asked that a statement be added to LU-1-a requiring a public review of any such "needed" modifications. LU-2 - new development should only occur when adequate infrastructure is available consistent with the following findings: Project related traffic will not cause the Level of Service established in the Circulation Element to be exceeded. He added that raising the LOS on Irwin and Grand would not provide "adequate infrastructure." LU-3 - requested an amendment that public review and input regarding neighborhood impact should take precedent over the establishment of "high priority projects." LU-5 - stated that review of the urban growth boundary makes it no boundary at all. LU-8 - requested amendment that the General Plan not dictate that minimum densities are required. He then discussed clustering and requested the following amendment: "Environmentally sensitive areas should be excluded from the calculation of gross acreage when considering site capacity. Avoid clustering where resultant density in clustered area is inconsistent with surrounding neighborhoods and Conservation Policies." LU-12- support the elimination of "should" for "shall." Exhibit 7 - believed Marine Related height should be restricted to the equivalent of one story in order to protect views and access to waterside areas. Land Use Map - believed the Loch Lomond Marina property (exclusive of conservation areas) should be designated Marine Related.

PH-43

Chandra Murphy, 332 D St., San Rafael, President of the Gerstle Park Neighborhood Association, introduced the following speakers that would address concerns of the Gerstle Park Neighborhood: Hugo Landecker, Lynn Bradisque, Andrea Eneidi, and Tymber Cavasian.

Hugo Landecker, 127 San Rafael Ave., San Rafael, discussed LU-8 and LU-8-a, which did not address minimum densities. Gerstle Pak felt that the housing market and the owner should determine what the density should be applied for. LU-12 - recommended following the appropriate wording under NH-11 that stated, "clustered housing is permitted and that it shall comply with neighborhood density and character." CD-7 - asked the definition of "finer grain design qualities." CD-17 - suggested adding a program to develop a heritage tree ordinance. He supported any effort the Commission would make on removing the sentence related to private property owners being responsible for street trees. H-18-a - believed there should be no minimum density for projects. H-18-d - addressed zoning of public lands for housing and noted that open space is public land and did not view that as excluded. He discussed restrictions on commercial vehicle parking in residential streets and felt that should be addressed under

PH-44

PH-44
cont.

"Neighborhoods." He also explored with the traffic engineer the idea of reducing the 10,000 pound gross vehicle weight for parking of vehicles in residential areas and the traffic engineer desired to work on that matter.

Andrea Eneidi, 18 1st St., San Rafael, felt the vision statement for Gerstle Park lacks vision and desired stating "Gerstle Park is a unique and architecturally significant neighborhood that is in close proximity to downtown. Gerstle Park is a wonderful place to live, residents have the ability to carry out daily activities by walking or riding their bikes throughout the neighborhood and downtown. Gerstle Park is essentially built-out and will remain a very diverse and active residential neighborhood with relatively little change. Future development will be limited to small-scale infill residential projects.

PH-45

Long-standing priorities for the residents include providing safety improvements at hazardous intersections, reducing the impact of traffic routing through the neighborhood, and preserving and enhancing the historic nature of the neighborhood. Opportunities should be taken to visually upgrade or replace apartment buildings to be more compatible with historic neighborhood design character, and to restore adequate parking on neighborhood streets." NH-119 - asked the Commission to consider expanding that to be called "Neighborhood Circulation" under "Pedestrian Linkages" to state, "improve pedestrian linkages at major entry roads from downtown, promote and plan for gateways at neighborhood entrances that would include signage or landscape design to show a transition from downtown to Gerstle Park. She requested the pedestrian improvements as stated in NH-19-a and suggested adding two other sub-elements:

NH-19-b

"Bicycle Improvements" - promote planning for Gerstle Park to be a safe place to bicycle.

PH-46

- Provide safe routes for children to and from the school bus stop at 1st and C Streets;
- Provide safe routes for residents to bicycle out of Gerstle Park either into downtown or out to West Marin.

NH-19-c

"Traffic Improvements" - implement traffic calming and redesign to minimize conflict between vehicles, pedestrians and bicycles.

- Commit to relief and prevention of non-neighborhood related pass-thru traffic. Provide for adequate gateways and traffic quieting of short-cutting that now occurs with both passenger and commercial vehicles;
- Ensure that downtown traffic remains downtown. Mitigate pass-thru traffic from 2nd Street and 101. Diverting traffic through the neighborhood is not an option to traffic flow.
- Convert D Street to two-way between the commercially zoned 1st and 2nd to reduce the volume of traffic that is diverted to the residential neighborhood of 1st between D and B Streets.
- Adequately and safely control the traffic through the 1st and C Street intersection by installing four-way stop signs;
- Consider an effective liaison point-of-contact or process to solve current and future traffic control issues given Gerstle Park's unique geography to areas with distinctly different goals.

PH-47

Timber Cavasian, 22 Bay View St., San Rafael, Secretary of Gerstle Park Neighborhood Association, expressed concern for changing the mixed-use zoning and given the height bonuses with this zoning, she believed it is too flexible and suggested modifying that section because it seemed in conflict with H-14-d. She echoed approval of all Mr. Tattersal's comments relating to Land Use. NH-32 – suggested changing the second bullet item to read, *“keeping all downtown activities within the downtown area, and provide adjoining residential neighborhoods special consideration in commercial or multi-residential redevelopment.”* She then discussed the Gerstle Park section of “Neighborhoods” and stated that the fourth sentence under Gerstle Park is incomplete and suggested stating, *“Gerstle Park has three distinctly unique neighbors on three sides that vary in terms of field zoning use in congestion or traffic generation, plus the neighbors northern boundary is a major transportation corridor.”* She also believed the last sentence related to neighborhood issues should be modified to include non-neighborhood related pass-thru and commercial traffic. She also discussed “New Development” and suggesting stating, *“requiring that adjacent downtown land use designation and developments are compatible with and provide adequate transition or gateway there by not infringing upon Gerstle Parks distinct character or quality of life.”* NH-118 – noted that the “Treasury of Gerstle Park” is missing and felt the revised staff comment response PR-7-c might be more adequate, but PR-7-a was inadequate. She recommended a new element under “Neighborhood Design” should be added that stated, *“promote and plan for gateways and neighborhood entrances that would include signage, landscape and traffic calming at the main streets of B, C, E, and Woodland.”* She further stated that a new element in the “Neighborhood Design” related to the Short School site that would state, *“that they would encourage and survey potentials for community use including possibly a community garden and before considering the transition for housing that they would look at it for public use, and if for housing, only in keeping with the current scale of density and architecture of the neighborhood.”* She then provided her “Parking” comments in writing for the Commission’s consideration.

PH-48

Lynn Bradisque, 112 San Rafael, Ave., San Rafael, expressed concern for housing and pointed out that ABAG’s housing needs numbers did not correspond to projected commercial growth. She further suggested having a moratorium on all commercial development until the City catches up with their housing. Mr. Brown responded that ABAG numbers for 1999–2007 are based on the old General Plan growth projections and ABAG and the City of San Rafael cannot change those numbers. He added that the next round of numbers would be based on the new General Plan. He pointed out that they are projecting far less job growth and the expectation is that it would result in a significant decrease in required housing additions.

PH-49

Chris Peterson, 16 Lochness Lane, San Rafael, Member, Loch Lomond Marina Committee, discussed Mr. Tattersal’s comments and stated that the Loch Lomond Marina property has a land use designation under GP-2000 of Marina with a water overlay district and a small area of neighborhood commercial. GP-2020 retains a very small area for Marine uses and classifies the majority of the useful site as neighborhood commercial. The surrounding neighborhoods are opposed to this change. There is no need for a

PH-50

neighborhood commercial designation, which will overburden a highly sensitive site. They suggested that the entire useful site should be designated “Marine Related.” This is the predominant and preferred use. Exhibit 10 defined allowable uses to include shopping centers, restaurants, which exist and should be retained and residential uses, which might be developed as a supplement to the predominant Marine Use. In addition, the designation should also include the Wetland Overlay Designation recognizing that there are existing wetlands associated with the site. He further agreed with the letter and comments provided by Mr. Tattersal from the Loch Lomond Neighborhood Association.

PH-50
Cont.

Byron Segal, from “Making Space for Children”, discussed childcare issues and pointed out that family daycare facilities up to 8 children are permitted without a conditional use permit, but larger family childcare homes from 9 - 14 children require a conditional use permit. He recommended that the Commission adopt Novato’s language as follows: *“Childcare up to 14 is permitted,”* so there is no need for a conditional use permit. He further noted that he would provide information to staff in that regard.

PH-51

Norman Jensen, Loch Lomond resident, urged the Commission to think of the Loch Lomond Marina area primarily as a recreational facility that should be preserved for posterity and perhaps include housing rather than considering it a solution to the ABAG situation.

PH-52

Mike Nelson, 503 San Pedro Cove, San Rafael, agreed with Mr. Tattersal and Peterson’s comments. He also pointed out that each community makes its best efforts and as long as the City can demonstrate that they are making their best efforts to make those numbers, achieving them is less important.

PH-53

Direk Brickerhoff, 43 Maywood Way, San Rafael, Chairman, Chamber of Commerce’s Affordable Housing Consortium, noted that most individuals who work in San Rafael cannot afford to live here. He believed the zoning and General Plan should promote the production of housing. He also suggested having some minimum densities in the zoning. In addition, ABAG requires identification of specific sites in the housing element and as it stands currently the draft predominantly identifies areas. He believed more specific sites must be made part of the housing element and zoned in order to be developed for those uses. He then discussed PR-9 in relation to the Windward Way/Bellam City owned site and desired the wording to be changed so that it continues to be a housing opportunity site.

PH-54

Roger Roberts, 223 So. Heights Blvd. San Rafael, stated that affordable housing would not be solved in this County or City just with new housing development. He discussed a Housing Trust Fund to meet the affordable housing goals. However, having a trust fund without a mechanism for funding it is not of much use and suggested adding the following language: *“research discrete dedicated revenue sources such as real estate transfer taxes to fund a housing trust fund for acquisition and building of affordable housing.”* He believed the City must be more stringent on in-lieu fees and recommended requiring developers pay an in-lieu fee that is significant that would meet the cost of affordable housing associated with that development. He also commented on inclusionary

PH-55

PH-55
cont.

housing requirements and suggested more stringent standards than those proposed. He further commented on the General Plan 2020 map and Exhibit 10 and asked staff why the Marin Square site is not being listed as one of those mixed-use sites.

PH-56

John Ortega, Canal resident, pointed out that the Canal area was designed for 4,000 people with 14,000 people currently living in the Canal area. He expressed concern for "the worker" and suggested having a "Land Trust." He then provided staff with material related to "Marin County Targeted Industries" for the Commission's review.

PH-57

Joseph Lemon, co-owner of Canalways, desired the General Plan to state the facts about this property. He explained that some portion of that property historically is wetlands and some portion is historically uplands. He believed the facts should be included in the General Plan and the same is true of the endangered species issue.

PH-58

Bill Paisley, Loch Lomond resident, concurred with Mr. Tattersal and Peterson's comments. He stated that according to the Plan, a density of six to seven homes per acre in Loch Lomond Marina area would not fit the neighborhood and should be a marina. He encouraged the Commission to establish a reasonable Plan in that area, no more than four houses per acre, if any houses are constructed in that area.

PH-59

Don Dickenson, 327 Jewel St., San Rafael, discussed the Job/Housing Linkage Fee and pointed out that the policy included in the Housing Element did not have a percentage and the County approved fees based on 25% of the legally justifiable amount. He proposed adding the following language to NH-68-a on page 104: "re-designate the zoning of the publicly owned properties to Open Space." He discussed NH-69-a relating to the Dominican University hillside area and suggested deleting the following reference in the program: "to amend the master use permit" and state, "through the development review process apply the hillside design guidelines." To NH-71-a he suggested adding the following: "in reviewing plans for the Gap Closure project or other subsequent separately funded project encourage adequate landscaping." He discussed the Vision for Lucas Valley and asked staff to reflect that the County approved about half million square feet of office space on the Grady Ranch. He discussed the Marinwood section related to the bubble for the Vision of Marin referring to single family that is zoned RMP, which would not be allowed. He further commented on the San Rafael Rock Quarry and noted that the County in fact rezoned the property in 1982 to reflect the Peacock Gap Neighborhood Plan, so for the last 22 years the Quarry use has been non-conforming and an alternative use must be addressed.

PH-60

Fred Grange, San Rafael resident, stated that the San Rafael General Plan process had correctly identified several pressing needs. He noted that Canalways is one of the last major infill sites in San Rafael that could contribute to the quality of life issues. He stated that evidence has never been supported that the Canalways is a thriving wetlands supporting endangered species. He then provided letters from two independent consultants trying to locate salt marsh harvest mice, which was unsuccessful. He suggested waiting until a development plan is submitted with all the supported environmental studies and let the environment impact report determine the outcome.

PH-61

PH-62

PH-64

Dwayne Hunn, 359 Jean St., San Rafael, discussed Canalways and requested that the Commission remove the unfairly burdensome language and then add some helpful General Plan verbiage that makes doing good development more cost effective. He further asked the Commission not to let future litigation develop that will drain money that should be used for good development and good government. He then discussed salt marsh harvest mice for the Commission's consideration and pointed out that it has not been determined that this is an endangered species site and to call that out devalues the property.

PH-65

Jean Starkweather, representing Marin Conservation League, disagreed with Mr. Lemon's comments about Canalways. She believed this site is useful as a seasonal wetlands site. She added that this site has over 100 species of wildlife. She further urged the Commission to leave the wording in the General Plan as it currently exist as it is a priority to the City, which she hoped would continue.

PH-66

Roger Preston, 41 Pt. San Pedro Rd., San Rafael, associated with the Lowry Yacht Harbor, thanked the Commission for the dredging information included for his review. He further believed this proposal could be cost effective and felt it is worth reviewing.

PH-67

Jim Goman, San Rafael resident, addressed LU-2-a under Item "A" that development should not occur unless traffic resulting from this development did not exceed the Level of Service identified in the Circulation Element. He added that the LOS identified in the Circulation Element are much greater than today and believed they are too high. Traffic is a major concern and agreed with the language, but it must be addressed again during the Circulation Element. He commented that the problem at First Street between D and B Streets is a major issue. He explained that he met with the City on several occasions to address this problem and felt the congestion belongs at in the intersections of Second and Third Streets and not in Gerstle Park. He requested that language be added to address that traffic situation. He also discussed illegal second units and felt the mechanisms are not in place to abate illegal units. He further provided staff copies of policies that have been in place in the City of San Francisco and asked the City to consider adopting policies that would be effective in implementing the ordinance.

There being no further public testimony on the General Plan Elements related to Land Use, Housing, Neighborhoods, Community Design, and Economic Vitality, Chair Alden continued the public hearing on those related items and brought the matter back to the Commission for discussion.

Land Use Element

Commissioner Kirchmann asked staff to provide an analysis on Mr. Tattersal's letter for the next meeting. Staff agreed.

LU-5

Commissioner Aichison felt opposing urban development of areas outside San Rafael's

urban service boundary is overly broad and recommended stating "in adjacent areas." Staff agreed.

LU-8
Commissioner Lang expressed concern for the minimum density required. Ms. Jackson responded that this was a recommendation from the Housing Task Group that reviewed housing policies for the City.

Commissioner Scott believed it is a reasonable statement on the City's intent to focus on housing over the next 10 to 20 years.

Commissioner Whipple agreed with the concept, but is unsure of the consequences in application. He suggested using other language to provide for flexibility to have the minimum density in order to support housing. Mr. Brown agreed to review Mr. Tattersal's suggestions.

Chair Alden asked staff to provide more information about the conversation the Steering Committee had because the phrase "generally required" is quite broad.

Commissioner Kirchmann agreed with having flexibility in place. Commissioner Scott suggested expanding the environmental section as well.

Commissioner Scott discussed the provision for not preventing future expansion in relation to Mr. Brimckerhoff's comments in cases where less than minimum is allowed. Mr. Brown reiterated that staff would review Mr. Tattersal's comments.

LU-9-a
Commissioner Kirchmann asked staff how critical it is to allow the redevelopment at the inflated FAR. Mr. Brown responded that he is currently dealing with that situation over a small addition as RAB Motors where more stringent FAR's were imposed after construction of that facility to address traffic generation. Commissioner Kirchmann expressed concern for the evolution or use of "redevelopment."

LU-9-b
Commissioner Whipple asked staff if this would occur by zoning by lot or deed restriction. Ms. Jackson responded that there is a zoning rule, which staff would provide for the Commission's consideration.

Chair Alden noted confusion for LU-9-b-1 & 2. Commissioner Kirchmann suggested moving the bottom portion up to the top. Ms. Jackson agreed to review.

LU-12
Commissioner Lang proposed different language for LU-12 and desired that it be consistent with NH-11. Ms. Jackson agreed to review a consistent approach.

LU-14/Exhibit 9

SRPC MINUTES (Regular) 2/10/04

Commissioner Kirchmann stated that sooner or later they must reconcile the difference of opinion amongst Steering Committee members whether 12 feet or 24 feet is the right potential height bonus for the North San Rafael Town Center. He discussed the Table with 5 stories or up to 66 feet and asked staff to clarify. He also added that on all bonuses they must be clear about whether or in what circumstances, if any, bonuses could be accumulated. Ms. Jackson responded that it is the intent that they not be combined and staff agreed to add a footnote in that regard.

The Commission agreed with 24 feet as the appropriate height bonus for affordable housing within the North San Rafael Town Center.

Chair Alden noted for the record the reason for accepting 24 feet for the North San Rafael Center is because when comparing this area to all other potential housing sites in San Rafael, it is easier to fit housing in this area and that part of Town should have a 24-foot bonus because that area could meet it's fair share.

Commissioner Paul asked staff to explain the last sentence that stated, "redevelopment of specific area and Francisco Boulevard west may have an additional height consistent with the Neighborhood Element. Staff agreed to work on the language.

Ms. Jackson noted that staff would work on some revised language to clarify the 5 stories and 66 feet.

LU-15
No Change.

LU-21
Commissioner Kirchmann reiterated that this policy must be consistent to the Height Bonus Table in regard to 5 stories and 66 feet. Staff agreed.

LU-22
Commissioner Kirchmann commented on the last sentence of the policy and suggested stating, "FAR limits for the street front use shall apply." The Commission and staff agreed.

LU-24
Chair Alden assumed that as the Commission makes decisions that might be specific to particular neighborhoods or sites that might change the zoning that staff would change the map in order to be consistent. Ms. Jackson responded that if there were changes to the map, staff would bring that to the Commission's attention.

Commissioner Paul commented on live/work regulations and suggested deleting the words "by the owner." The Commission and staff agreed.

Commissioner Kirchmann asked staff to explain the relation between the otherwise permitted residential density and the otherwise permitted FAR in the mixed-use districts.

SRPC MINUTES (Regular) 2/10/04

Ms. Jackson responded that it is currently in the Zoning Ordinance and staff would provide that rule in the staff report for the Commission's consideration.

Commissioner Kirchmann asked staff to explain the proposed policy in a mixed-use district. Mr. Brown responded that they still use the maximum FAR for commercial and the rest of the building volume is determined by setbacks, height and by parking requirements. Ms. Jackson noted that there is also the density limits for residential.

Commissioner Paul discussed hillside areas and asked staff to review that language. Staff agreed.

Commissioner Lang commented on definitions of open space and Conservation and asked staff for an explanation. Mr. Brown responded that this section is for a land use designation, so Open Space is secured and restricted, while conservation is a holding category. He explained that before they re-designate the property from Conservation, staff would first conduct environmental studies to determine what environmental constraints exist.

Commissioner Lang asked staff to explain "private open space." Mr. Brown responded that private open space is areas that had been restricted from development such as Fernwood and portions of the Peacock Gap Neighborhood.

Commissioner Atchison stated that they intend for this mixed-use to be located in commercial areas, but most individuals do not understand the difference between commercial, industrial and light industrial. Ms. Jackson responded that staff would be clear when explaining and describing the districts allowed.

Chair Alden suggested adding a glossary, if possible.

Chair Alden announced that due to the late hour the remainder of discussion items would be continued to the next meeting.

The Commission agreed to start discussing the draft EIR first at the next meeting and then the Planning Commission would continue discussing the following elements: Housing, Economic Vitality and Community Design.

Chair Alden announced that the Commission's comments related to the Neighborhood Element would be continued to the following meeting with the Circulation Element. The Commission and staff agreed.

DIRECTOR'S REPORT

There were no comments.

COMMISSION COMMUNICATIONS

Commissioner Kirchmann noted that an individual approached him last week that attended a Planning Commission meeting and indicated that the Planning Commission was doing a great job.

Commissioner Paul announced that he would be unable to attend the Special Planning Commission meeting on February 19th, 2004 at 7:00 p.m.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 11:30 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
February 24, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple

Commissioners Absent: None

Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner

UNAPPROVED

AYES: Commissioners: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

RECOMMENDED ACTION

- 1. Minutes, February 10, 2004

Commissioner Kirchmann corrected the last paragraph on page 8 of Commissioner Paul's comments by changing word "license" to "linkage" to read, "Jobs/Housing Linkage Fee."

- 1. Minutes, February 10, 2004

PUBLIC HEARING

Chair Alden asked for a motion.

- 2. **Draft San Rafael General Plan 2020** – Public hearing related to the Draft EIR, continue public hearing related to Housing, Economic Vitality and Community Design Elements; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 3/9/04.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Commissioner Kirchmann moved and Commissioner Paul seconded, to approve the Minutes from February 10, 2004 as amended. The motion carried by a unanimous vote by the Commission.

AYES: Commissioners: Kirchmann, Paul, Alden, Atchison,
Lang, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

- 2. **Draft San Rafael General Plan 2020** – Public hearing related to the Draft EIR, continue public hearing related to Housing, Economic Vitality and Community Design Elements; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 3/9/04.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission hold the public hearing on the Draft Environmental Impact Report for the

Draft General Plan 2020; reopen the public hearing on the merits of the draft General Plan 2020 policies related to the draft Land Use, Housing, Community Design, and Economic Vitality Elements; and continue the public hearing, raise questions and identify desired revisions to the draft, Housing, Community Design and Economic Vitality Elements.

Bob Berman, Environmental Planner, noted the EIR process as follows:

- Notice of preparation comment period: May 6, 2003 – June 9, 2003
- Public Scoping Meeting: May 27, 2003
- Preparation of an Initial Study
- Draft EIR published on February 9, 2004
- Public review period continues through March 24, 2004
- Preparation of Response to Public and Agency comments
- Publication of Final EIR
- Planning Commission consideration of Final EIR and recommendation re: Certification on April 27, 2004
- City Council certification of Final EIR

Mr. Berman discussed the assumptions in the DEIR as follows:

- Based on examination of growth impacts to 2020
- Both local growth projections and regional growth
- Use of City's traffic model for examination of local streets
- Use of County's traffic model for freeways

Mr. Berman explained that the EIR uses specific standards to identify the magnitude of impacts. He added that for each impact section "significance criteria" was developed and for the most part the criteria is based on State guidelines or other Federal, State or Regional regulations. He noted that specific Level of Service (LOS) standards for traffic impact had been developed, based on the current General Plan, since some local roads, freeways and arterials are part of the County's Congestion Management Agency Program, they also used the standards established by the CMA. He explained that when they reviewed freeway ramps, they used Caltrans criteria. He gave an example: a facility (intersection or roadway) is operating at an acceptable (LOS) as defined in the General Plan and deteriorates to an unacceptable LOS it is considered a significant traffic impact.

Harold Goldberg, Noise Consultant, discussed the following - For Noise Impacts, evaluation of existing and future noise levels were based on:

- Noise Measurement Survey
- Traffic Noise Contours/Methodology
- Airport/Heliport Contours and Measurements
- Quarry

For Noise impacts, significant criteria are based on:

- CEQA Guidelines
- General Pan 2020 Noise Standards

- City Noise Ordinance
- Increase in Noise Levels

Various Potential Noise Impacts:

- Rail Noise
- Increased Traffic Noise
- Stationary Noise Sources (Quarry)
- Airport Noise
- Future Noise Sensitive Development

Mr. Berman explained that a less-than-significant impact is a change that would not exceed the threshold of significance and not require mitigation. A significant impact is a change that exceeds the threshold of significant that could be mitigated to a less-than-significant level. He went over the various Significant Unavoidable Impacts are as follows:

- Traffic impacts – Third at Union: LOS decrease from D to E; Lincoln Ave. at 101 Southbound Ramps: LOS decrease from E to F during PM peak; Mission Ave. at Irwin St: Continues at LOS F during PM peak; and removal of on-street parking on Lincoln Avenue.
- Street Segments – A Street between 2nd and 5th: LOS D to E during AM peak; and Freitas Blvd. between Las Gallinas and Del Presidio.
- Freeways – Northbound 101, north of Miller Creek: LOS D to F during PM Peak; Eastbound 580 at the Richmond Bridge: LOS D to F during the PM Peak; Westbound 580 at the Richmond Bridge: LOS D to F during the AM peak; and Westbound 580 to Northbound 101: Remains at LOS F in the AM and PM peaks.
- Other Impacts:
 - Increase noise levels if the SMART train begins operations;
 - Possible release of hazardous materials;
 - Increased demand for Police services beyond existing staff capacity;
 - Increased demand for library services;
 - Increased demand for Park facilities;
 - Development south of Puerto Suello would generate wastewater flows exceeding current sewage treatment capacity;
 - Increased demand for water from MMWD; and
 - Possible landsliding due to new development.

The DEIR considered three Alternatives

1. No Project/No Development- this alternative has fewer impacts as there would be no additional development in San Rafael.
2. No Project/No Action/General Plan 2000 – this alternative included development at St. Vincent's/Silveira, but did not include McInnis Parkway.
3. Reduced Development –this alternative and the General Plan 2020 results in same number of significant unavoidable impacts and same number of less-than-significant impacts, but results in slightly reduced significant impacts from the draft plan.

Commissioner Whipple reviewed the LOS impacts at the three intersections discussed and asked staff which of the General Plan policies caused those impacts. Mr. Berman responded that it is not any specific General Plan policy. He added that the coordination of existing conditions and the projected conditions (based upon the expected development), results in increased traffic.

Nadar Mansourian, City's Traffic Engineer, stated that the LOS that resulted, at Third Street and Union Street is based on the following:

1. Future lane geometry;
2. Improvements proposed;
3. Widening Union Street to two lanes traveling northbound; and
4. Traffic from The Montecito Shopping Center and Whole Foods.

Mr. Mansourian noted that the City must upgrade the traffic signal operation to adequately include pedestrian crossing and safety. When adding the traffic volume, pedestrians, and the design changes together, the intersection would operate at the LOS "E."

Commissioner Whipple discussed the "Impact Comparison" on Exhibit VI.1-1 and noted that for "no project" there are no less than significant impacts and the other three alternatives have unavoidable impacts. Mr. Berman noted that the safety improvements were not included in the no project Alternative.

Commissioner Whipple discussed the four alternatives and noted that it is difficult to distinguish the impacts. Mr. Berman responded that in terms of the significant impacts, mitigation has been identified, which in some cases includes additional policies to the General Plan. They hope that what is identified as a mitigation measure in the EIR would become policy. He included in the General Plan. Staff affirmed that the policy recommendations would be part of the Planning Commission resolution.

Commissioner Whipple discussed traffic mitigation fees in Exhibit IV. 2-14, and asked staff to explain how the difference of the totals is achieved. Mr. Berman responded that the projected cost of improvements is \$52 million and of that approximately \$33 million would come from traffic mitigation fees; \$9 million is already in the bank. It is anticipated that the remaining \$18 million would come from either the Redevelopment Agency or Federal or State funds. Mr. Brown added that one of the implementing resolutions that would be established from the General Plan process would be an increase in the City's traffic mitigation fee requirements. This resolution will be included as part of the package of implementing measures forwarded to the City Council. He further stated that the City expects that less development will occur and as a result each trip will be more costly.

Commissioner Kirchmann clarified that the Baseline includes staff's traffic projections of what the traffic would be if all the currently approved, but un-built projects were built and the currently vacant projects were fully occupied. Mr. Mansourian responded in the affirmative.

Chair Alden opened the public hearing on the Draft EIR.

Albert Barr, President, Loch Lomond Homeowners Association and Co-Chair, Loch Lomond Marina Committee, discussed the baseline traffic volume for Pt. San Pedro Road and asked staff if that took into account the potential development of the Quarry. Mr. Mansourian responded that the potential Quarry development is not part of baseline.

Craig Murry, San Rafael resident, discussed the problematic EIR and asked staff if this Commission considered the cost difference between a State's certified Housing Element a local Housing Element. Ms. Jackson responded that staff considered a self-certified option and decided to use the State's certification process.

Dwayne Hunn, San Rafael resident, pointed out that when the City estimates the future housing supply, it is a projection, which is seldom delivered and one reason for the housing crisis. He asked the Commission to reconsider the Canalsways Conservation zoning to allow mixed-use or housing development of the site would cause additional traffic, but he believed much of that would be off-set due to the housing benefit. He further added that the traffic projections are based on vacant lands being built-out.

There being no further public testimony on the Draft EIR, Chair Alden continued the public portion of the testimony and brought the matter back to the Commission for discussion.

Commissioner Kirchmann discussed Section 4 on page IV. 2-37 in relation to the impact on the intersection of Mission and Irwin. He clarified with staff that the LOS would deteriorate further at that intersection in order to improve conditions at other intersections. Mr. Mansourian responded in the affirmative.

Commissioner Kirchmann commented on page IV. 2-37 regarding the local City model and projections for SMART rail. The City model does not include SMAR rail projections however the County does include SMART rail projections. He asked staff if there is any inconsistency or double counting by looking at the City and County's models that have different assumptions about levels of rail service. Mr. Mansourian responded that the County model reviewed regional traffic and the City model reviewed local vehicular volumes. He added that the data is not available yet to analyze the impacts of the rail service. However, staff is working with the SMART team to review the proposed SMART operations and the impact to the City's system. This will be addressed in the EIR.

Commissioner Kirchmann noted that if the rail system is implemented then we should expect some interference with the City's local circulation. Mr. Mansourian expected a change of operations throughout the City's system where the rail lines are.

Commissioner Kirchmann discussed page IV. 2-44 and -45 in relation to transit and clarified with staff that implementation of the proposed Plan 2020 would generate an

PH-68

PH-69

PH-70

PH-71

PH-72

PH-73

PH-74

increased demand for public transit service He did not find the evaluation of that apparent need for public transit, and asked what the impacts of that additional service would be. Mr. Berman responded that the EIR is more general level of analysis. Again, staff relied upon the policies in the proposed General Plan as described on page 45 that would result in some increase of availability of transit services. He further added that this analysis does not include impacts from reduced Golden Gate Transit Service

PH-74
cont.

Commissioner Kirchmann stated that recent changes in the transit LOS provided by Golden Gate Transit caused him to worry about the feasibility of implementing some of the programs. He asked about the reliance on policies or groups of policy as mitigation measures to make sure that those policies and implementation programs are feasible. Mr. Brown responded that the City policies try to promote the use of transit by locating development in locations that would benefit from transit, but the City is not a provider of transit service.

PH-75

Commissioner Kirchmann commented on the water supply and believed the City should anticipate what the future water supply would be and if a timing control device should be built into the plan. Mr. Brown responded that the new General Plan decreases development potential. Mr. Berman added that in the staff report included a discussion on how the water supply would effect the City's ability to protect housing in the future along with the State requirements.

PH-76

Commissioner Kirchmann asked staff what the governing law is on Alternative 3. Mr. Berman responded that the Commission and City Council must weigh the benefits of the different alternatives. He also believed it is within the ability of the Commission and City Council to select the General Plan 2020 benefits provided from General Plan 2020 that would not be available in considering the no development alternative.

PH-77

Commissioner Lang discussed noise under Section IV.4-13 and noted her disappointment that there is no real quantification of noise impacts in relations to increased rail. She asked staff if there is some way to review anticipated noise levels. Mr. Goldberg responded that noise information was not yet available from SMART, so variability seemed so large that it was not a great idea to add that information into the Plan. He stated that the SMART link allows them to include language into the General Plan. He believed the best approach would be to discuss the range with SMART that transit is available regarding use. Mr. Brown expressed concern for trying to speculate possible mitigation measures with the information currently available. Commissioner Lang suggested adding decibels and distances for an example of potential noise impacts.

PH-78

Commissioner Whipple discussed Impact IV.5-4in relation to hazardous materials near school sites and asked staff the purpose for the survey. Mr. Berman responded that in that particular program they reviewed facilities located nearby that might be expanded in order to get an inventory of existing hazardous materials that could potentially impact the schools. Mr. Berman added that staff would review this issue again.

PH-79

Commissioner Whipple asked staff if the impact of the zoning of Canalways should be

PH-80

considered in the Draft EIR. Mr. Brown responded that the DEIR has analyzed potential impacts and that the merits will be addressed through the General Plan review.

PH-80
cont.

Chair Alden closed the Public hearing on the DEIR, and directed staff to continue taking comments on the Draft EIR and prepare response to comments.

Chair Alden announced at 8:44 p.m. that the Commission would take a ten-minute recess and then reconvene with reopen the Public Hearing on the General Plan 2020 Elements related to Land Use, Housing, Neighborhoods, Community Design and Economic Vitality.

Chair Alden opened the public hearing on the General Plan 2020 Elements related to Land Use, Housing, Neighborhoods, Community Design and Economic Vitality.

John Ortega, Canal resident, noted that there is no elected or appointed representative from the Canal neighborhood. He pointed out that the agencies that work with the residents from the Canal do not represent the community in terms of a needs assessment, housing and economic development. He added that there is a huge social problem in the Canal that must be addressed. He further suggested establishing focus groups with Canal residents in order to understand what is needed.

PH-81

Albert Barr, President, Loch Lomond Homeowners Association and Co-Chair, Loch Lomond Marina Committee for Pt. San Pedro Coalition, addressed policy NH-121 and pointed out that the Vision statement for the neighborhood omits certain concepts and suggested adding the following: *"the marina should also continue to provide for a boat engine repair shop, dry boat storage and day use parking to meet at least current demand."* In addition, the Vision should mention a strong preference for homes that are *"individually unique and architecturally significant"* in keeping with this beautiful location. He also recommended changing the last word of that paragraph from *"uses"* to *"area."* He discussed paragraph "C" of policy NH-121 related to "Building Height" that presented two options that were discussed by the Steering Committee. He hoped that in the final plan the option approved by the majority would be the final option. He commented on "Density" on page 353 and noted that he submitted an e-mail that he received from the developer indicating that the residential use is planned for 7.5-acres. This excluded roads within this use and 6.3 acres will be devoted to residential, significantly less than 10 acres indicated in the General Plan. He strongly preferred that the project be at a lower density, not medium density and have conformance with the community. He further added that in order to accommodate a great number of affordable housing, the City might encourage the developer to consider smaller units in addition to affordable units thereby achieving a reasonable number of below market rate units.

PH-82

Norman Jensen, 54 Lochinvar Rd., San Rafael, expressed concern for Loch Lomond and asked the Commission to consider the following:

- NH-121-a – add to the first bullet point as follows: *"existing recreational boat launching facilities in Loch Lomond Marina areas shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space can be*

PH-83

provided. Encourage the addition (and maintenance) of boat launch facilities and boat trailer parking."

- NH-121-a – add to the second bullet point: "Promote and improve the Loch Lomond Marina area as a community wide asset for public and marine related uses, where public access, use and views of the water are maximized, and sensitive wildlife habitat areas are protected."
- NH-121-a – change the third bullet to read: "Preserve and enhance the neighborhood-serving commercial uses that meet the needs of residents in the area. These uses include a grocery, restaurant, and medical or professional offices."
- NH-121-1 – modify the fourth bullet to read: "Residential, with housing that is consistent with zoning density, height restrictions, setbacks, and right-of-way widths of the surrounding neighborhood."
- NH-121- remove "where appropriate" from Bullet b

Mike Nelson, representing San Pedro Cove Neighborhood, agreed with a great deal of the language under the discussion sections on pages 43-47. He was also in agreement with the following statements:

- Goal 3: Housing Needs on page 49, paragraph three:
- New development must be compatible with and enhances existing community character.
 - "new housing development must recognize and enhance the design character of the surrounding neighborhood."
 - "In the end, future development is planned based on community wide needs, sound citywide policies, neighborhood involvement, capital improvements, and public facility and service capacity."

H-2 - Page 50

- Neighborhood improvements. Recognize that construction of new housing can enhance a community. Encourage investment in housing that adds to the appearance and value of a neighborhood.

H-3 - Page 50:

- Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy.
- Respect existing landforms and effect on adjacent properties.
- H-3-b- Compatibility of building patterns. Adopt design guidelines to ensure compatibility of neighborhood building patterns.
- H-4 - Public Information and Participation. Encourage appropriate and adequate involvement so that design of new housing will strengthen the character and integrity of the neighborhood.

Mr. Nelson noted that the following appear to be inconsistent with these stated strategies: H-18-a - Adequate sites on page 59:

- Amend the zoning ordinance to indicate that well-designed products should be

PH-83 cont.

approved at the mid-to high-range of the General Plan densities. Do not approve development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement.

PH-84 cont.

H-21-b - Exceptions for Density Bonus Development from Zoning Standards page 62:

1. For density bonus development, provide limited zoning exceptions to allow minor site adjustment from development standards to accommodate density bonuses for affordable housing. The exceptions should be subject on to the type of housing size and units mix location and overall design. Provide early design review to assist with design issues related to a height bonus.

Mr. Nelson noted that compatibility with the surrounding neighborhoods, and early neighborhood input into these densities and their potential impact on traffic and other quality of life issues in the surrounding neighborhoods appear to have been ignored. This change gives the City staff far too much latitude to change Zoning Ordinances He then discussed general recommendations: There needs to be a statement about where the affordable units are located within the overall development. He recommended that developers are strongly encourage to disperse these units throughout the development to insure that the residents are not suggested into a single location.

Paul Benson, San Rafael resident, desired preservation of the Loch Lomond Marina Yacht Club. He added that the Yacht Club is very instrumental in promoting boating safety and boating interest.

PH-85

Fred Grange, San Rafael resident, invited members of the public and the Commission to visit the Canalways in order to receive a better understanding. He then provided the Commission with a copy of a Planning Commission staff report dated February 14, 1984 for their review. The staff report addressed a project with improvements that was a win/win situation that solved several social issues, protected the environment and provided wildlife habitat.

PH-86

Commissioner Lang asked Mr. Grange what is stopping the Canal development. Mr. Grange responded that Canalways has become stigmatized and they have never been able to overcome the "myth of the mouse." He added that Canalways is depicted as wetlands, but Canalways also has uplands, a pump station and a Shoreline Park. Commissioner Lang asked Mr. Grange the timeframe for negotiations and implementation of development at Canalways. Mr. Grange responded that all the improvements such as the ones indicated in the 1984 staff report could be completed within five years.

Mr. Brown pointed out that there is a bigger constraint such as traffic capacity. The City has no traffic capacity to complete projects that have already received approval such as the Shoreline Master Plan much less to add additional projects. He noted that it is extremely expensive to conduct improvements. He also added that there would be financial impediments to development of Canalways such as levees. He explained that

the Steering Committee designated the Kerner extension for Light Industrial areas and the rest of the site has a Conservation land use designation, which indicates that there are some environmental constraints. To develop the portion of the property that has the Conservation designation there must be further environmental studies to understand the constraints.

Mr. Grange stated that very recently the City dredged San Rafael Canal and they could have used the dredge materials as uplands fill at Canalways, to establish an uplands habitat area and use that material to repair the levees.

Tymer Cavaisna, San Rafael resident, discussed Loch Lomond and echoed the neighborhood's concerns on development. She trusts and supports that a careful look would be taken in relation to the land use and aesthetics. She also appreciated Mr. Jensen's comments about the marina being a community resource. She believes the Marina is an asset to San Rafael that has a unique culture that is very unique and provides San Rafael residents enjoyment.

Kevin Gladstone, San Rafael resident, desired more information on the following in order to make good planning decisions about rental housing:

- Canal
- Citywide Vacancy Rates
- Impact on new construction - alleviated or increased rents
- Dominican area needs student housing
- Number of person per dwelling unit
- Are Rents Fair – based on the percentage of their income
- Deposits – reasonable; receiving interest; getting deposits back
- Monthly Income
- Code Enforcement and Maintenance
- How responsive are landlords
- Discrimination.
- Rent Stabilization Ordinance
- Just Cause Eviction Law
- Truth in Renting Ordinance
- Security Deposit Fund
- Trust Fund
- Voluntary Rent Control

Mr. Gladstone believed all these issues should be made part of the Housing Element. He further stated that if information is not received from the census or the news, the City should develop an instrument to provide this necessary information in order to plan for the future.

David Tattersall, President, Bayside Homeowner Association, concurred with the previous comments regarding the Loch Lomond Marina. He also noted that the Yacht Club is a community meeting point and should definitely be encouraged and retained. He

also discussed the San Rafael Quarry under the Neighborhood Element related to continuing operations through 2020. He felt it is appropriate that this General Plan recognize that there would be a new Reclamation Plan established that would impact development on San Pedro Road as well as some issues discussed previously regarding LOS and traffic impacts on Third Street and Union Street.

Marcie Mathisen, representing Dutra Quarry, agreed with the current policies contained in the General Plan and would address any comments in future written statements.

Dwayne Humm, San Rafael resident, noted that he submitted information to the Commission on Seastrand and mice trappings, and provided the Commission with a photograph depicting the areas for a better understanding. He agreed with Mr. Brown about the traffic concerns, but desired to remove myths in order to deal with real problems. He recommended establishing dredged spoils such as those established at Bay Pointe. He also provided a comparison from 1988 to the Commission in relation to dredging and believed there are benefits, but desired some assistance.

Sarah Jensen, 54 Lochinvar Rd., San Rafael, discussed Loch Lomond Marina and expressed concern about the negative and judgmental language used to describe the Marina. She believed most buildings located in the Marina are quite charming. She also commented on the ABAG numbers, which are very likely to be reduced in the future. However, there is a developer currently planning to add housing in this area and once that development is complete the Marina would be lost. She asked the Commission to consider the temporary quality of the ABAG numbers.

Greg Murray, San Rafael resident, commented on the community input of Loch Lomond and pointed out that the City approached the Federation and provided a survey of potential housing sites in 2002 including Loch Lomond and the Elks Club. He added there was strong opposition for both, and the Elks Club was dropped. He also stated that in 2003 Loch Lomond appeared again, along with Short School, but Short School was dropped and Loch Lomond continued. He indicated that on August 20, 2002, the City Manager stated that due to the budget of the City, the property tax received was only eleven cents on a dollar and he desired to view the benefits. He then discussed the Coastal Zone and significant changes in the zoning in that area must be reviewed.

There being no further public testimony on the General Plan 2020 related to Land Use, Housing, Neighborhoods, Economic Vitality and Community Design, Chair Alden closed the public portion of the testimony on the related elements and brought the matter back to the Commission for discussion of the Housing Element.

Housing

H-3

Commissioner Lang recommended adding the words "minimize effects." She also added the words "and other impacts" to H-3-a. Ms. Jackson responded that staff would review the wording.

PH-89
cont.

PH-90

PH-91

PH-92

PH-93

PH-87

PH-88

PH-89

PH-90

PH-91

PH-92

PH-93

PH-94

PH-95

PH-96

H-4-a Chair Alden suggested adding a cross-reference to this element from other parts of the Plan that discussed major sites such as Loch Lomond, Quarry and Canalways. Mr. Brown suggested not stating the potential developments that might be controversial at the moment and did not want to get site specific. Chair Alden disagreed and believed a cross-reference should be included to an already existing policy. Ms. Jackson agreed to add a cross-reference to CD-16, and to G-7.

H-11-a Commissioner Paul suggested stating, "*three units and larger*." Instead of "*over three units*". Staff agreed.

H-13 Commissioner Paul believed accessible units should be "*required*" or "*provided*" in accordance to both Federal and State law. He also discussed the same under H-13-b to ensure compliance with State and Federal requirements for accessible units. Staff concurred.

H-14-e Commissioner Scott noted confusion of the second line and asked staff if there is a "*no parking*" standard included. Mr. Brown responded that the "*no*" referred to density regulations. Staff agreed to review.

H-18 Commissioner Paul suggested combining H-18-b and H-18-c. Staff agreed.

Commissioner Paul discussed H-18-d and asked staff if they would rezone all Public/Quasi Public land use to allow residential. Ms. Jackson responded that it would rezone the school sites that are P/QP to residential land use districts. She further agreed to rewrite this section to reflect staff's current thinking.

H-18-a Commissioner Lang expressed concern for the entire concept of this program. She stated if they desired to change the zoning to a mid to high range, then they should change the zoning regulations. Mr. Brown responded that the concept is indicating that in each residential land use category there is a range of densities. He added that well designed projects should be approved at the higher end of that range within that particular land use category, but they should not build at a lower density than the minimum number within that range.

Commissioner Lang stated that the assumption is that the density range is the upper limit and there is no lower limit and this reflects a significant change from the current state of the City's ordinances and she did not view any analysis to support such a departure. She explained that the notion of having vague standards for allowing projects within the range causes concerns.

Commissioner Paul recommended deleting the words "*well-designed*" in order not to lose the possibility of increased housing and affordability.

Commissioner Whipple agreed with the concept of minimum required densities.

Commissioner Paul stated that the policy recognized that housing is a desired community asset and the few remaining sites should be preserved. Commissioner Scott agreed to maintain the language as written.

Commissioner Atchison agreed to remove the words "*well designed*."

Chair Alden believed there should be some truth in numbers and if there is a range then that range should be provided.

Commissioner Kirchmann asked staff how this policy would apply in the mixed-use context. Ms. Jackson agreed to review.

H-18-f

Chair Alden expressed concern for the City's parking standards and believed a parking study should be included that is San Rafael specific or Bay Area specific. Ms. Jackson responded that was the intent.

Commissioner Scott suggested reviewing the proportion of "compact parking spaces." Staff agreed to revise.

H-19-a

Commissioner Scott believed some sort of calculation procedures or bonus for more very low housing should be established as part of the enabling legislation. Mr. Brown responded that staff is drafting a BMR Ordinance. He added that the PPP requirements would change, but staff has been careful to review the double counting issue.

Commissioner Kirchmann suggested clarifying the idea of "rounding" fractional units and fractional in-lieu fees. Ms. Jackson responded in the affirmative.

Commissioner Kirchmann discussed a1 and 2 related to different affordability levels and asked staff how that would apply to the five to ten unit project, which would require one unit. Staff agreed to review.

Chair Alden asked staff how they arrived at these particular figures in relation to 15% for 11 to 20 units. Mr. Brown responded that they worked with the Economic Development staff and their housing consultant to try and determine if there was a break point where a project no longer became economically feasible. They also reviewed what other cities were doing and many cities went up to a 20% requirement, so staff felt comfortable with the figures outlined. Chair Alden asked staff to provide background information on this matter. Staff agreed.

Commissioner Paul believed staff should investigate requiring an in lieu fee for below five units. Mr. Brown agreed to review.

H-20-c

Commissioner Kirchmann expressed concern with the word "ensure" because it expressed too high a level of commitment for the City. Staff agreed to review.

H-21

Chair Alden asked staff to consider Mr. Nelson's comments regarding density bonuses and that Mr. Nelson felt the limited zoning exceptions to allow minor site adjustments from development standards were vague. Mr. Brown responded that State law requires that the City offer a density bonus and they require that if the developer can present information to the City suggesting that even with that density bonus they still require an additional zoning concession that the City must grant. He further believed the City's hands are tied in this area.

Chair Alden suggested adding a reference to H-21-b to state, "existing character of the surrounding neighborhood." Mr. Brown agreed to discuss the issue with the City Attorney.

Commissioner Paul discussed the last sentence and recommended stating, "any site exceptions." Staff agreed.

Chair Alden asked staff to provide the Commission with a copy of State law regarding density bonus for review at the next meeting. Staff agreed to provide.

H-24

Commissioner Kirchmann asked staff to define "a silent second mortgage." Staff agreed to review.

H-24-a

Commissioner Kirchmann asked staff to explain the rationale for providing an exemption for small expansions. Mr. Brown responded that it was suggested by the Economic Development Department. He believed it related to not discouraging small renovations of space or small additions.

H-24-b

Commissioner Kirchmann clarified with staff whether someone who is creating housing opportunities for employees under this policy would receive some sort credit or off-set against the Jobs/Housing Linkage Fee that might otherwise apply. Mr. Brown responded in the affirmative.

H-25

Commissioner Paul discussed second units and suggested exploring the ramifications of not requiring "owner-occupancy." Staff agreed

Chair Alden announced that due to the late hour, the Commission would continue the remaining General Plan 2020 Elements to the next meeting.

Commissioner Whipple requested that the Commission consider a permanent change in the rules in which the Commission would convene at "7:00 p.m." rather than "7:30 p.m." Chair Alden agreed to discuss the matter after completion of the General Plan 2020. Commissioner Kirchmann opposed starting at 7:00 p.m. Commissioner Lang noted that she is not opposed, but believed 7:30 p.m. would work best for her situation.

DIRECTOR'S REPORT

Mr. Brown reported that the next General Plan 2020 meeting is on March 9, 2004 to discuss the Circulation Element and the other elements. He added that the Special Planning Commission meeting on March 17, 2004 has three items including BMW car storage facility, a design review for a new garage that is being appealed and the telecommunications ordinance.

Mr. Brown announced that staff has received a development application for Loch Lomond.

COMMISSION COMMUNICATIONS

There were no Commission Communications.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 11:02 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
March 9, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann,
Lang, Paul (*arrived at 7:08 p.m.*), Whipple

APPROVED

Commissioners Absent: Scott

Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner;
Nader Mansourian, Traffic Engineer;
Tiffany Wright, Legal Counsel

AGENDA

CONSENT CALENDAR

1. Minutes, February 19, 2004 and February 24, 2004

RECOMMENDED ACTION

PUBLIC HEARING

2. **Draft San Rafael General Plan 2020** – Public hearing related to Circulation Element, and Planning Commission review of the Neighborhoods, Economic Vitality and Community Design; APN City-wide and San Rafael Planning Area; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 3/23/04.
**Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson**

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

* * * * *

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Alden, Atchison, Kirchmann,
Lang, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul, Scott

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

Commissioner Paul joined the Planning Commission meeting at 7:08 p.m.

CONSENT CALENDAR

1. Minutes, February 19, 2004 and February 24, 2004

RECOMMENDED ACTION

Commissioner Kirchmann corrected page 10 of the February 19, 2004 Minutes and believed language should be inserted indicating very low, low and moderate income levels in regard to the bullet points.

Chair Alden asked for a motion.

Commissioner Kirchmann moved and Commissioner Atchison seconded, to approve the Minutes from February 19, 2004 as amended. The motion carried by a unanimous vote by the Commission.

AYES: Commissioners: Kirchmann, Alden, Atchison,
Lang, Paul, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Scott
ABSTAIN: Commissioners: None

Commissioner Whipple corrected the last page of the February 24, 2004 Minutes by asking to add a provision that no new items would be heard after 10:30 p.m.

Chair Alden asked for a motion.

Commissioner Kirchmann moved and Commissioner Atchison seconded, to approve the Minutes from February 24, 2004 as amended. The motion carried by a 6:1 vote by the Commission with one abstention by Commissioner Paul.

AYES: Commissioners: Kirchmann, Alden, Atchison, Lang, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Scott
ABSTAIN: Commissioners: Paul

PUBLIC HEARING

2. **Draft San Rafael General Plan 2020** – Public hearing related to the Circulation, Element, and Planning Commission review of the Neighborhoods, Economic Vitality and Community Design Elements; APN: City-wide and San Rafael Planning Area; City of San Rafael, applicant. File No.: GPA03-002. 1) Continue to take public testimony and frame issues for further consideration; 2) Continue to Planning Commission meeting date of 3/23/04.

Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission take the following actions: reopen public hearing on merits of the draft General Plan 2020 policies related to the Circulation Element; continue the public hearing to the March 23, 2004 meeting; and raise questions and identify desired revisions to the draft Neighborhoods, Community Design, and Economic Vitality Elements.

Nader Mansourian, City's Traffic Engineer, provided the Commission with a PowerPoint presentation on traffic engineering components for their consideration. Included in the presentation was information about existing land uses in San Rafael along with the following data: travel analysis zones, model network, citywide average daily traffic, citywide and turning movement counts. He noted that the City's traffic modeling is very sophisticated. The data used for the modeling was from Association of Bay Area Governments, Metropolitan Transportation Commission and the Marin Congestion Management Agency assumptions, such as mode split, land use, freeway and transit. He added that a complex GIS system was created to input all of the modeling data to assess faster and more accurately. For the Draft Environmental Impact Report they analyzed 122 intersections and 28 arterial/roadway segments. He discussed the Traffic Modeling 2003 Summaries as follows:

- 43% of the AM and 48% of the PM peak trips generated in the City are from the neighborhoods and business districts.
- 57% of the AM and 52% of the PM peak trips originated or end outside of San Rafael.

Mr. Mansourian explained the Scenarios that were used:

- AM (7-9) and PM (4-6) peak hour traffic is modeled and analyzed
- Existing (current traffic counts and roadway systems)
- Baseline (existing background traffic plus approved projects not built yet, vacancies occupied and funded or approved mitigation)

SRPC MINUTES (Regular) 3/9/04

- General Plan 2020 (traffic generated in addition to the baseline and future roadway system)

Mr. Mansourian discussed the following:

- The existing Land Use Summary was for:
 - Commercial 8,853 ksf
 - Office & Industrial/Office 7,746 ksf
 - School 9,834 students
 - Hotels 379 rooms + 140 ksf
 - Residential 28,106 units
 - Other uses, such as Recreation
- Baseline Land Use Summary Vacancies, and Approved Development:
 - These are additions to the existing land use summary
 - Commercial 177 ksf
 - Office & industrial/Office 1,285 ksf
 - Residential (including senior and student housing) 823 units
 - Hotel 85 rooms (Francisco Blvd. East)
- Next Step: Post Process Analysis LOS and proposed improvements
- Mansourian discussed Level of Service (LOS) explaining that it is a tool to measure operation conditions and congestion level for: Signalization, and unsignalization intersections and for Arterial segments. The LOS criteria and thresholds are different between signalized and unsignalized intersections and arterials. The LOS ranges from A to F with LOS A indicates the least delay and LOS F the most delay.

Mr. Mansourian summarized the traffic conditions and stated that travel time studies were conducted and compared to the model projections to verify accuracy. He then provided the Commission with several graphs depicting the LOS and travel times for AM and PM peak hours and Special Routes

Mr. Mansourian noted the following:

- North San Pedro & Civic Center Improvements for 2001 - \$1,000,000
- Deleted Mitigation: McInnis Parkway connecting Civic Center Drive to St. Vincent's was not included in Existing Baseline or General Plan 2020/Projects Under Design or Construction include:
 - Mission/Lincoln, Second/A, Third/A signal operation modifications
 - Third/Union Street Improvements
 - East San Rafael Phase III (widening Francisco Blvd. East and westbound 580 ramps)
 - Signalization at: Lincoln/Linden, Northgate/Los Ranchitos, Las Gallinas/Nova Albion, Nova Albion/Arias

Ms. Jackson announced that all information would be available on the City's website for review.

Ms. Jackson then provided the Commission with a presentation on San Rafael's General

SRPC MINUTES (Regular) 3/9/04

Plan 2020 that included the following:

- Vision 2020 regarding circulation:
 - Commitment to business vitality across a broad spectrum of enterprise.
 - Distinctive neighborhoods provide housing for people at all stages of life, at all income levels
 - Our efficient system accommodates vehicles while encouraging walking and biking as safe, appealing and practical alternatives
- Where's all the Traffic Coming From?
 - San Rafael is at the crossroads of Marin, and enjoys a diverse economy and population (11% job growth from 1990-2000, 9% growth in housing units)
 - School traffic (21% of morning traffic is school related)
 - San Rafael's job growth exceeding housing production
 - Driving more (10% increase in trips per household in the past 10 years): two-worker households, more retirees and young adults, and home-based businesses.
- Looking Ahead – San Rafael will continue to be impacted by growth in surrounding regions. Marin will continue to be a major destination.
- Findings and Conclusions
 - Scenarios did not “pass” current LOS standards at all intersections
 - We have little control over through and regional traffic
 - We need roadway improvements regardless of the scenario
 - San Rafael cannot expand its way out of traffic congestion
 - We want streets safe for pedestrian and bicycles as well as convenient streets for cars
- General Plan 2020 Approach
 - Remain the economic, cultural, political and social services center of Marin.
 - Address affordable housing needs
 - Sustained level of economic vitality
 - Keep traffic under control
 - Accommodate vehicles while encouraging walking, biking and transit use as safe, appealing and practical alternatives
 - Maximize public benefit from future development
- Mitigations: A \$53,000,000 Fix
 - Third/Union intersection
 - Lincoln Ave., Grand Ave., Las Gallinas, Francisco Blvd., lanes (no parking in peak hours)
 - Shoreline/Andersen Drive connector under 580
 - Freitas interchange
 - Intersection improvements
 - Mitigation fees and State and Federal funds.

Regional Strategies

- Complete the HOV System
- Commuter rail service (SMART)
- Increase Express Bus and Ferry Service

Local Strategies

- Update traffic standards
- Local buses and shuttles
- Roadway improvements/traffic calming
- Bicycle and Pedestrian Master Plan
- Link to land uses – mixed-use and infill
- Approve projects through a project selection process—not first come/first serve
- Policies for the Car
 - LOS D Citywide
 - LOS E for the following areas:
 - Downtown
 - Irwin and Grand between Second Street and Mission Avenue
 - Andersen/West Francisco
 - Andersen/Bellam
 - Freitas/Civic Center Dr.
 - Merrydale overcrossing
 - 101 and 580 on-ramps and off-ramps are exempt
 - New: Arterial segments LOS D, E, and grandfathered
- “Significant Unmitigated Impacts”
 - Three intersections
 - Third Street and Union Street
 - Lincoln Ave. and US 101 Southbound Ramps
 - Mission Ave. and Irwin Street
 - Two City arterial segments:
 - A Street from Second to Fifth
 - Freitas from Las Gallinas to 101 northbound on/Civic Center US 101 and I-580 segments:
 - Northbound US 101 north of Miller Creek in the PM
 - Eastbound I-580 at the Richmond Bridge in the PM
 - Westbound I-580 at the Richmond Bridge in the AM
 - Westbound I-580 to northbound US 101 at the interchange in the AM and PM.
- Policies for Transit
 - More routes
 - Improved connection between modes
 - SMART commuter rail service to Civic Center and Downtown
 - Six trains in AM, six in the PM, and one at midday
 - Enabling legislation adoption
 - EIR underway
- Policies for Bikes and Pedestrians
 - San Rafael Bicycle and Pedestrian Master Plan
 - Participate in the Safe Route to School program
- Policies for Land Use
 - Project less commercial growth
 - Allow residential in commercial and office districts

- Encourage employee housing and student housing
- Allow live/work and home occupations
- Provide higher densities closer to 101 and transit
- Making PPP Work Better: Project Selection Process (PSP)
 - Add downtown and Central San Rafael to the Priority Projects Procedure (PPP)
 - Use evaluation criteria to assess public benefit of projects
 - High tax generators
 - Affordable housing
 - Needed community services or facilities
 - Applies to new development generating ten or more new trips
 - OK to projects that meet City's criteria
 - Public benefits obtained from PPP
 - \$2.1 million in annual sales tax
 - \$4 million in annual hotel tax
 - 92 affordable housing units.

Chair Alden opened the public hearing on the General Plan 2020 related to the Circulation Element.

Albert Barr, Co-Chair, Loch Lomond Marina Committee, discussed Policy C-5 on page 165 and stated that manipulating the LOS on Second and Third Street by lowering the LOS from D to E in order to achieve "more flexibility that would allow for limited development that would provide desired public benefits" is uncalled for and appeared devious, undermining the credibility of the General Plan. He commented on Policy C-5, paragraph "D" that stated the following: "the City Council may approve a project if the projects benefits outweigh the projects impact on circulation." Therefore, given Section C-5, paragraph "D" lowering the LOS on Second and Third from D to E is not necessary and should be deleted. He viewed it as an invitation for further development in his portion of San Rafael without any input from the public regarding traffic.

PH-94

Preston McCoy, San Rafael resident, believed non-motorized transit is important. He added that improvements for bikes should be made automatically with all future projects. He discussed some specifics as follows:

- Page 156 under "the overview" he believed that the bullet pertaining to the Bicycle and Pedestrian Plan should be moved up;
- C-4-b on page 165 - he suggested deleting the words "as feasible;"
- Add C-4-c - recommending training for the Public Works Director, Traffic Engineer and staff in successful methods used in other jurisdictions to integrate bicycle and pedestrian designs into projects;
- Page 176 under the sidebar talking about "Transportation Demand Management Tools" to add "walking and biking;" and
- C-17-a - suggested adding "rails with trails" to the bullet SMART system.

Tim Gilbert, Sun Valley resident/member of the Bicycle & Pedestrian Advisory Committee, desired reprioritizing the public right-of-way as pedestrian first, bicycle

PH-96

second and vehicle third. He stated that particularly important is safe pedestrian access to transit as well as safety.

PH-96 cont.

David Tattersal, President, Bayside Acres Homeowners Association, expressed concern about Third/Union. Lowering the LOS standard from D to E might suggest that the junction could accommodate additional traffic trips, which might encourage development east of Union Street. He added that if there are no other alternatives suggested by the Traffic Engineer, they desired language in the General Plan that precludes the addition of traffic trips to that junction through development. He further desired a response from the EIR on the same question.

PH-97

Joe Caramucci, Member, Board of Directors Pt. San Pedro Coalition, discussed truck traffic from the Quarry and asked where traffic is figured into this eight or nine minute trip. He believed there is misinformation relative to the amount of traffic and timing on Pt. San Pedro Road. He further believed more information is needed before a decision is made.

PH-98

Sarah Jensen, San Rafael resident, shared the concerns about traffic on Pt. San Pedro Road. She pointed out that at previous meetings several individuals asked why the Quarry is not in the 2020 Plan and the response is that the Quarry is not expected to end operations. However, on page 120 - 121 it indicated that the City has an agreement to annex that property and specify development all of which would draw considerably more traffic on Pt. San Pedro Road. She further believed the City is not looking long-term at the big picture and that should be done.

PH-99

Luke French, San Rafael resident, provided a copy of the Marin County's Bicycle Coalition suggestions to the General Plan and agreed with monitoring traffic. He added that he rides a bicycle, skateboards or takes public transit to work. He pointed out that he fears for his life on Lincoln Avenue and requested a safe north/south bike route in that area.

PH-100

Eric Anderson, Marin County Bicycle Coalition, believed the City is spending a sufficient amount of money encouraging individuals to drive resulting in more individuals driving. He suggested adding the phrase "complete the bicycle and pedestrian network by the year 2020." He further noted that without a complete bicycle and pedestrian network the City will never know what an impact walking and biking could have on the horrendous traffic problems San Rafael is already experiencing.

PH-101

Marleese Fleumer, San Rafael resident, discussed the intersection at Third/Union and supported the decisions made by the Steering Committee and the Community Development noting that the slow rate of growth won't be ruining the community.

PH-102

Roger Roberts, Southern Heights resident, discussed the General Plan as drafted on page 159 referring to the "status of bus services," which should reflect the current conditions of Golden Gate Transit and make reference of C-14-a supporting local transit tax. He discussed Page 163 under C-2-a the "Local Transportation Tax" and requested that the

PH-103

PH-103
cont.

language be amended to reflect support to meet local service needs. He commented on "list of projects" and expressed concern on the desire of the City to have greater connectivity of the Downtown and Canal area with a vision to make it a more people oriented place. He also hoped the Pedestrian and Bike Plan would address sidewalks. He expressed concern for pages 180-181 on regional transit options under C-17, which seemed to presuppose that there would be a viable transit in the County. He felt the City they should encourage development and use of a viable commuter rail service. He discussed SMART noise mitigation to control excess noise and felt C-17-a should be revised to state, "that noise mitigation should be consistent with the City's own San Rafael Ordinance for the operation of SMART." He believed C-17-c is a contradiction because all proposed sites for a Northern Ferry Terminal are in marshland and felt it made no sense for the City to support this. He further discussed the San Quentin Ferry Terminal in policy C-17-d stating that interchanges at Greenbrae, East Sir Francis Drake/580 and 580/101 that would be impacted with any development at San Quentin, and interchange improvements should be fully funded and completed before the City decided to support a rail measure.

Chris Peterson, Loch Lomond resident, commented on the Circulation section in the Draft General Plan 2020 and the Draft EIR, stating that neither addressed traffic flow analysis, LOS and mitigations for problematic areas along Pt. San Pedro Road east of Second/Third. He referenced Exhibit 20 on page 177, which affects several residents. He stated that this analysis oversight of this critical artery is unacceptable because any increase in traffic circulation caused by residents, quarry trucks, quarry development and major construction of Loch Lomond Marina would further impact already negative LOS along Pt. San Pedro Road. He stated that it is strongly advised that this oversight be properly addressed in both the Draft General Plan 2020 and the Draft EIR before ratification of either document.

PH-104

John Sowden, San Rafael resident, pointed out that there are not enough roadways for bicyclists to travel safely from San Rafael to Northgate or Terra Linda High School safely. He stated that Andersen Drive is great was a very good bike lane. He further added that the bike lane ends at Andersen and Second, which is an issue because bicyclists are not allowed to ride on the roadway or sidewalks.

PH-105

Ted Murry, Loch Lomond resident, discussed the data collected on Pt. San Pedro Road and pointed out that in late June when schools are out the traffic decreases, which is when he viewed the rubber strips counting traffic across the road. He also stated that data could be manipulated if truck drivers are aware of the counts and travel a different route through China Camp. He further asked if there is a large variance in that data.

PH-106

Mr. Mansourian responded that Pt. San Pedro Road has pockets under Marin County jurisdiction. The County collects data for different purposes such as radar, survey and accident rate calculations. He further stated that all data for LOS had been collected for the actual travel times mentioned and he does not believe there is an error in the average daily data collection or the peak hour traffic volume data.

Iaino Dellazzari, San Rafael resident, pointed out that the same problem exists elsewhere with traffic, but his interest is in Third/Union due to development property east of Union.. He asked what the actual impact could potentially be from development from the east, north or south, and that the Commission needs to weigh the impacts against the benefits of the development.

PH-107

Michael Gasper, San Rafael resident, agreed with the safety concerns on Lincoln Avenue. He desired the Commission to do whatever possible as far as communicating with other planning jurisdictions to improve the entire bicycle path system. He suggested widening the tunnel traveling to Lincoln Avenue and Northgate. He further believed sidewalks should be maintained, repaired and improved.

PH-108

Michael Nelson, representing the San Pedro Cove Homeowners Association, noted that traffic is the number one quality of life concern. He stated that traffic congestion at Second and Third from Union to Irwin is unacceptable to the residents. He believed the City should not just address safety, but also a dual goal, which is safety and traffic. He believed changing the LOS standards would not make sense and that the problems must be addressed. He noted that the improvements suggested are expensive and those desiring development in that area must pay for the improvements to make that a safe thoroughfare. He added that potentially a small part of the traffic at the high school might be routed onto Mission Avenue. He did not believe it would be possible to have a meaningful discussion about Second and Third and Union and Irwin Streets without bringing up the Quarry. The General Plan should not ignore Quarry development.

PH-109

Norman Jensen, San Rafael resident, pointed out that Second and Third intersections at Grand and Irwin are already at an LOS F. He asked why the City would change the LOS from D to E when the LOS is already at F. He believed there should be no development until the situation improves.

PH-110

Andrea Eneidi, Gerstle Park resident, noted that on page 158 the General Plan mentioned that there had been successes with traffic calming. However, her neighborhood has seen none. She added that there is no public process to work with the City if a neighborhood has identified a traffic issue. She noted that they continue to be very frustrated of not being allowed to assist with the enhancement of their neighborhood. She stated that signalization versus non-signalization is not an acceptable answer to the neighborhood traffic issues. These traffic impacts would only continue with further development. She added that they desired Downtown to stay Downtown and for Gerstle Park to maintain the existing character of the neighborhood. She believed the Circulation Element should address a process for working with neighborhoods that includes an avenue for discussion and input from the neighborhoods. She asked the Commission where residents should go with their traffic issues.

PH-111

Mr. Mansourian responded that the Traffic Coordinating Committee reviews all requests, complaints and traffic improvements from members of the Community. This is City technical committee, and not a public review process. He further noted that if a neighborhood has a special concern he would be happy to meet with them and share the

data collected along with the findings.

Tymler Cavaisna, Gerstle Park resident, agreed with the specific comments made and noted that the model is very sophisticated and the plan staff presented is visionary, but felt it is a much rosary picture. She supported the bike and pedestrian related comments. She echoed Mr. Jensen's comments that all throughout the General Plan, discussions about the Plan that the traffic and LOS is portrayed as acceptable. She found that the Circulation Element ranges from inadequate to unbelievable because the analysis while completely overwhelming still seems incomplete. Also, funding might not be available to actually undertake the improvements required in order to receive the projected end result in the EIR and General Plan. She discussed the traffic mitigation fees and expressed concern that those fees are only collected when development occurs, which she believed is out of order because infrastructure and LOS improvements are desired before increasing burdens. Also, if traffic mitigation fees are sufficient to pay development why is it that over the past decade during a huge growth boom only minimal improvements were done. She added that moving forward with growth plans dependent upon improvements, which rely on funds that the City cannot count on might be irresponsible and felt the City should prioritize or use other means. She further added that for areas that cannot be fixed, she felt controlling the implementation of improvements, getting the timing mechanism involved to the plan or including downzoning or land use changes would be a responsible course.

PH-112

Hugo Landecker, Gerstle Park, believed the General Plan should add a process for public input on the circulation problems. He addressed the proposed installation of traffic stoplights at the intersections at First and D and First and C Streets and believed the stoplights are not necessary. Also, the idea of having a vehicle making an extra turn would not be appropriate. He believed Items 19 and 20 in Exhibit 19 should remain on the list and suggested that the Commission consider changing D Street between First and Second Streets to a two-way street, and allowing it to be pedestrian friendly.

PH-113

Steve Taylor, San Rafael resident, believed they should all unite as a community and establish a plan that would solve the problem. He stated that changing the LOS to D is for development, which would help pay for intersection improvements on Third and Union.

PH-114

Kevin Hogan, Central San Rafael resident, suggested fixing the problem by repairing the sidewalks, intersections and resolving traffic congestion before adding any type of development or another vehicle to the road. He stated that the traffic issues are very subjective, but they are a major issue. He pointed out that traffic is horrible from Irwin and Grand to 101 South. He stated that downgrading these intersections is very similar to what the State of California did to the education system instead of fixing it, which only made the situation worse. He further added that East San Rafael and West San Rafael must be studied differently.

PH-115

Fred Grange, Canal resident, discussed the reference to the East/West crossing that could connect Shoreline Parkway to Andersen Drive. He explained that there was a plan established a number of years ago that would connect Kerner Boulevard through

PH-116

PH-116
cont.

Canalways with an overpass to Andersen. He pointed out that there is no public acquisition of buildings or property, so construction would be very inexpensive. He further added that as an alternative to the Shoreline East/West crossing connection to consider Kerner Boulevard through Canalways as well.

PH-117

Bonnie Marmor, Pt. San Pedro Road resident, believed it is important for the anecdotal evidence to be brought forward for review. She felt the computer input cannot provide a sense of what residents are experiencing. She further added that it is important that the residents convey to the Commission that the computer data received may not reflect the experience of the residents.

PH-118

There was another person who spoke @West of 101 there are more arterials to handle traffic, while East of 101, there are not.

There being no further public testimony on the General Plan 2020 policies related to the Circulation Element, Chair Alden continued the public hearing to March 23, 2004 and brought the matter back to the Commission for discussion.

Chair Alden announced at 9:29 p.m. that the Commission would take a five-minute recess and then reconvene with discussion on the Circulation Element.

Chair Alden announced that due to the late hour, he recommended continuing discussion on the Neighborhood, Community Design and Economic Vitality Elements to the March 23, 2004 Planning Commission meeting. The Commission and staff agreed.

Mr. Brown addressed redevelopment of the Quarry and noted that what has been required by the judge hearing the case is a new reuse Reclamation Plan. He stated that City staff is expecting no additional traffic from the Quarry and staff participate in County planning efforts for that Reclamation Plan, which would also require an EIR. He further stated that the traffic modeling for the General Plan did not include additional vehicle trips from the Quarry.

Chair Alden noted that he was very impressed with the traffic modeling, but pointed out that the public disagreed and asked staff if there is a method to test for discrepancies in order to adjust the model accordingly. Mr. Mansourian responded that the purpose was to show the day-to-day experience of an average typical workday. He added that additional data could be collected for the next meeting in order to compare it to the data provided and make adjustments if necessary. Chair Alden believed that would be helpful in regard to Third and Union. Mr. Mansourian responded that he would conduct a travel time from Pt. San Pedro to Highway 101 South and Highway 101 North.

Circulation

Page 155/C-2-a

Commissioner Whipple discussed the sales tax and pointed out that Goal 12 and the language included on page 155 has divided the community. He stated that

C-2a can be contentious and desired the money to be dedicated to transportation improvements.

Commissioner Paul suggested adding the word "local" to C-2-a. He would like to see information regarding the County sales tax measure and how it breaks down for local and regional projects.

Mr. Brown expressed concern that if support were only given for local transportation improvements they might not receive any regional funding improvements. Chair Alden pointed out that there is strong community sentiment that some of the improvements should be within San Rafael.

Commissioner Whipple suggested having a gasoline tax. Ms. Jackson responded that she would review the County's proposed sales tax plan before making a recommendation.

Page 156

Commissioner Whipple stated that the Steering Committee spent a tremendous amount of time on the reduction of traffic and asked staff why they did not view an attempt to decrease the number of trips. Mr. Brown responded that efforts were made in this regard in the General Plan policies to encourage bike, pedestrian and transit improvements. Mr. Mansourian noted that school trips are very significant and believed a bus route or a carpool/vanpool would be beneficial.

Commissioner Paul suggested establishing an outreach program to educate individuals about traffic. Commissioner Whipple recommended reviewing home occupations, for example, FedEx and UPS trips. Ms. Jackson agreed to review and update the section with the reasons for the increase in traffic.

C-4b

Chair Alden agreed with the speaker to eliminate the "as feasible" part under the first sentence of C-4-b. Mr. Mansourian responded that staff must follow certain Caltrans and Federal standards for the roadway. Chair Alden suggested stating, "establish street sign criteria to the extent permitted by law to support alternative transportation modes." Mr. Mansourian recommended adding the word "standards." Ms. Jackson agreed to review.

Commissioner Atchison suggested reordering the "Circulation Goals" with bicycle and pedestrians moving up on the list. Ms. Jackson responded that staff would look at reorganizing the goals.

Page 164/Goal 13

Commissioner Lang desired a better understanding as to the rationale other than "more flexibility" supporting that conclusion and more definition as to what are the desired public benefits. Mr. Brown responded that even with no new development, the City of San Rafael would still exceed the current LOS at several locations. Commissioner Lang recommended having truth in traffic. Commissioner Whipple pointed out that they are managing the rate of change. Ms. Jackson agreed to draft more direct wording.

Commissioner Whipple recommended including a sidebar defining the current LOS. Mr. Brown responded that they try to avoid specifics because the numbers become dated quickly. Chair Alden suggested indicating that the numbers change "periodically." Ms. Jackson agreed to work on a draft sidebar for the Commission's review.

Commissioner Kirchmann clarified that with C-5-d they are preserving the flexibility in situations where the Planning Commission or City Council determines that there is sufficient community benefit to override any standards set. Staff agreed.

C-5-a

Chair Alden appreciated the concern that some of the LOS standards were already below what is acceptable currently and that the reasons for changing LOS downward might be an important factor in deciding what the LOS should be. Mr. Brown responded that Third and Union is at its current mid-level of LOS D limit, so any work done on the San Pedro peninsula, Loch Lomond or the Glenwood school site would increase traffic at that intersection. He added that if the Commission is willing to modify the LOS strictly for safety improvements and stop it at that point, then essentially the Commission would be indicating that there is a moratorium on any new traffic generation on the San Pedro peninsula. Chair Alden disagreed. He stated that if they redefined the LOS to E there is still some depth to add more traffic and still be at LOS E.

Commissioner Paul asked staff how bad pedestrian safety is and would decreasing the LOS make it better. He believed the greater need must be determined and felt that lowering the LOS would be a benefit. He noted that some impacts occur that have nothing to do with development. In addition, they are trying to provide the opportunity for additional housing.

Mr. Mansourian responded that LOS D is a range between 35 and 55 seconds of delay; LOS E is between 55 to 80 seconds. He added that with this analysis for Third and Union it would operate at LOS E. He added that future land use in that area is about two hundred units. He further stated that the operation itself would start to deteriorate due to the high volume of traffic from the Montecito Shopping Center.

Commissioner Lang stated that currently the intersection is at mid LOS D, so essentially there is a moratorium because no new development could take place. Mr. Mansourian responded that nine units would add 0.1 seconds of delay to the intersection, this is above the current LOS standard.

Commissioner Lang suggested requiring that deterioration to LOS E is for the safety improvements and should not be used as justification for any additional development. Commissioner Whipple disagreed. Mr. Brown stated that from a development perspective it would be considered a moratorium and would require any developer to fully fund improvements to this area. Mr. Brown stated that pedestrian overpasses and underpasses would cost a tremendous amount of money due to ADA requirements.

Commissioner Kirchmann stated that there is a policy issue and wondered if as a community are they willing to tolerate some degradation in traffic in order to accommodate a very limited amount of additional growth. He pointed out that there is a well-considered recommendation from the Steering Committee and staff in that regard.

Commissioner Atchison believed it is strictly a policy issue and disagreed with a moratorium concept and felt it is contrary to most of the document itself. He stated that they must rely on input from qualified staff and if it did not work the Commission could make adjustments at a later date.

Chair Alden pointed out there is a split of 4:2 in favor of keeping the LOS standards as described. He believed the choice is between building housing and not making any improvements to these intersections such that they allow the LOS to deteriorate or alternatively, requiring those who choose to develop along that peninsula to review methods to improve the LOS at some of the intersections. He further stated that this portion of the plan should be forwarded to the City Council as drafted by the Steering Committee, but asked that the dissent of the two Commissions regarding the LOS standards be noted.

C-5-B – Arterial Level of Service

Commissioner Kirchmann discussed Mr. Barr's suggestion and the LOS applied and asked staff to respond. Mr. Mansourian responded that due to the limitations of the intersection LOS, staff was concerned for the operation of the short segments such as downtown. He noted that the arterial segment LOS analysis is a tool to provide some flexibility.

C-5-c

Chair Alden desired to see a reference or descriptive text in the Circulation Element relating to the PSP program. Ms. Jackson agreed to add some descriptive text, and a reference to the PSP policy.

C-5-D

Commissioner Lang asked what this policy is addressing. Chair Alden responded that it is language about a CEQA override process. Ms. Jackson noted that the implementing program for that is C-5-c, which is a (CEQA review).

Mr. Brown pointed out that in most cases if there is a significant traffic impact, an EIR would be needed because it would be in violation of a General Plan LOS standard. Tiffany Wright, Legal Counsel, stated that it is true in most cases if the LOS is exceeded it would require an EIR, but there are some limited exemptions in CEQA. Chair Alden asked Ms. Wright if there are particular exemptions applied to housing projects in San Rafael. Ms. Wright responded that there are very specific exemptions such as statutory exemptions for affordable and infill housing in urban areas as well as near a transit stops. Chair Alden requested information about urban areas and transit stops be provided to the Commission at the next meeting for their review. Ms. Wright responded that she would provide more information to the Planning Commission.

Page 174 – Text

Commissioner Whipple asked staff to expand on the text; staff concurred.

Page 176 – Sidebar

Commissioner Paul suggested adding incentives for walking, such as on site housing for employees.

C-14-a

Commissioner Whipple believed they should consider changing the zoning near some of the transit hubs. Ms. Jackson agreed to add the cross-references to the programs in Neighborhoods, Elements and Housing.

Exhibit 21

Chair Alden asked staff if the bus routes discussed are consistent and suggested that when this document is published that current information be provided. Ms. Jackson noted the maps are current as of January 2004, and that they would add to the map.

C-15-b

Commissioner Paul asked staff for an explanation of the program. Mr. Brown responded that staff conducts a survey of registered voters every other year and this indicated that they could also survey for satisfaction with transit.

C-17

Commissioner Paul recommended including "Contra Costa County" to the regional bus system. Ms. Jackson responded in the affirmative.

C-17-a

Chair Alden recommended incorporating a reference to "rails with trails." Ms. Jackson agreed to verify SMART's name for its bike plans and add the correct reference.

Commissioner Lang believed "at grade" crossings should be reworded to state, "recommend or support." She also felt noise mitigations should conform to the San Rafael Noise Ordinance, but if they are deviating from the Noise Ordinance that should be addressed. Mr. Brown pointed out that the Noise Ordinance will not apply to rail noise.

Chair Alden believed the noise impacts should be mitigated as much as possible. Mr. Brown referred the Commission to Policy N-9. Commissioner Kirchmann suggested stating, "in accordance with Policy N- to C-17a." The Commission and staff agreed.

C-17-d

Commissioner Lang believed that the proposed San Quentin ferry terminal has not been reviewed properly. Mr. Brown responded that it would impact the same intersection in Larkspur as the current location, but it would provide more convenient access from 580 and it could impact or improve 580 traffic. Commissioner Kirchmann believed it would

make the ferry ride shorter and more attractive. He further suggested combining programs C and D to study implementation of alternative ferry terminal locations.

C-18-b
Commissioner Paul suggested eliminating most of the preamble and state, "*investigate the feasibility of local shuttle services to San Rafael.*" Mr. Mansourian responded that a shuttle study was conducted about two years ago and it was concluded that San Rafael did not need a shuttle program at this time because ridership was not present.

C-19-a
Commissioner Paul suggested stating, "*where ever possible*" rather than "*if warranted and feasible.*" Ms. Jackson recommended stating, "*where needed.*" The Commission agreed.

Goal 15
Commissioner Whipple asked staff how much of this was discussed by the Steering Committee. Ms. Jackson responded that the importance of trying to build better connections where opportunities arise between different neighborhoods was discussed. Chair Alden noted that there was not support in North San Rafael for another automobile linkage over Elizabeth Way or Sleepy Hollow, but there was support for increased bicycle and pedestrian paths.

C-23
Commissioner Paul suggested adding the word "*auto*" in order to be consistent or removing the word "*auto*" from the goal. Ms. Jackson recommended removing the word "*auto.*" The Commission agreed.

Commissioner Kirchmann suggested adding an implementation program that improves pedestrian and bicycle connectivity between Downtown and the Canal area. Ms. Jackson agreed to work with Mr. Mansourian on the wording.

C-26
Commissioner Lang recommended adding a statement to explore all opportunities to use the rail right-of-way connecting downtown to Terra Linda on an interim basis for bicycle and pedestrian use. Ms. Jackson referred the Commission to C-17-b. Commissioner Lang believed that program did not go far enough. Mr. Brown suggested splitting these thoughts and state interim use of the right-of-way for pedestrian and bicycle use or alternative uses if the funding is not provided. The Commission agreed. Mr. Brown recommended discussing this matter with SMART and the Police Department in terms of impacts to that corridor.

Goal 16
Commissioner Atchison noted that this section did not indicate how much of this plan would be enacted by the end of this plan and suggested dating this to indicate that the goal is to complete the full implementation of the Bicycle and Pedestrian Plan by 2020. Chair Alden agreed. He also believed it would be useful if the Bicycle and Pedestrian

Master Plan referenced under C-26 was included as an exhibit. He stated that if there were some portion of that Master Plan that would make more sense such as an executive summary or maps that would be acceptable. Mr. Brown suggested adding the improvement maps. Ms. Jackson agreed to discuss the issued of including the adopted plan in the General Plan matter with the City Attorney.

C-27
Commissioner Paul recommended stating, "*disabled access*" and adding it to C-27-b or C-27-e. Mr. Mansourian suggested stating, "*should meet all ADA, State and Federal requirements.*" The Commission agreed.

Commissioner Kirchmann asked staff for a response to the question about an analysis of Pt. San Pedro Road segments east of Union Street. He also asked staff if they reviewed the possibility of metering traffic on freeways and on-ramps. He further recommended establishing a process to address local traffic issues. Mr. Mansourian responded that there is one signalized intersection east of Union Street it had been analyzed and there are no other intersections that would be impacted. He noted that they have reviewed possible metering of on-ramps with Caltrans, but because the ramps are very small and in close proximity to downtown it would impact the City's signal system. He further announced that as part of the City's process to review local issues, the public is always encouraged to write letters or contact the City with concerns and the Traffic Coordinating Committee will review them.

DIRECTOR'S REPORT

Mr. Brown reported to the Commission that the next General Plan 2020 meeting is on March 23, 2004, and there is Special Planning Commission meeting on Wednesday, March 17, 2004 with three items including a BMW car storage lot, a garage appeal, and a telecommunications ordinance.

Chair Alden recommended discussing Neighborhoods, Economic Vitality and Community Design Elements on March 23rd and on March 30th have the final opportunity for public comment. Commissioner Kirchmann recommended taking the remaining public comment on March 23rd as planned. The other Commissioners concurred.

Chair Alden announced that at the next meeting the Commission would have a discussion on the Neighborhood Element; discuss Economic Vitality and Community Design Elements along with public comment on the Circulation Element.

COMMISSION COMMUNICATIONS

There were no Commission Communications.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 12:00 p.m.

MINUTES REGULAR MEETING
 SAN RAFAEL PLANNING COMMISSION
 March 23, 2004

Respectfully submitted,

Jessica Woods

ROLL

UNAPPROVED

Commissioners Present: Alden, Atchison, Kirchmann,
Lang, Scott, Whipple

Commissioners Absent: Paul

Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner;
Nadar Mansourian, Traffic Engineer;
Tiffany Wright, Legal Counsel

AGENDA

CONSENT CALENDAR

RECOMMENDED ACTION

1. Minutes, March 9, 2004

PUBLIC HEARING

2. **Draft San Rafael General Plan 2020 – Planning Commission review of Neighborhoods, Community Design, and Economic Vitality Elements.** 1) Continued public hearing related to Circulation and Neighborhoods, Community Design and Economic Vitality Elements; City of San Rafael, applicant; File No.: GPA03-002. 2) Continue to take public testimony, close public hearing on the General Plan, and provide direction to staff.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

* * * * *

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Alden, Atchison, Kirchmann, Lang, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

- 1. Minutes, March 9, 2004

Chair Alden asked for a motion.

Commissioner Lang moved and Commissioner Kirchmann seconded, to approve the Minutes from March 9, 2004 as presented. The motion carried by a 5:1 vote by the Commission with one abstention by Commissioner Scott.

AYES: Commissioners: Lang, Kirchmann, Alden, Atchison, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: Paul
ABSTAIN: Commissioners: Scott

PUBLIC HEARING

- 2. **Draft San Rafael General Plan 2020** – Planning Commission review of Neighborhoods, Community Design, and Economic Vitality Elements. 2) Continued public hearing related to Circulation and Neighborhoods, Community Design and Economic Vitality Elements; City of San Rafael, applicant; File No.: GPA03-002. 1) Continue to take public testimony, close public hearing on the General Plan, and provide direction to staff.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission provide direction to staff on the Neighborhoods, Community Design and Economic Vitality Elements, continue to take public testimony on the Circulation, Neighborhoods, Community Design and Economic Vitality Elements, and close the

public hearing on the Draft General Plan 2020.

Ms. Jackson noted for the record that staff received additional correspondence since the preparation of the staff report. They have been provided to the Commission and the public.

Ms. Jackson provided the Commission with a brief summary of specific Neighborhood Element sites discussed in the staff report as follows:

- Cal-Pox Site
- Policy options for residential land use
- Canalways
 - o Environmental Issues
 - o Dredging Possibilities
 - o Levee repair needed
- Loch Lomond
- Policy options for height
- Nova Albion School Sites
- Traffic modeling
- San Rafael Airport
- San Rafael Rock Quarry
 - o County Jurisdiction
 - o Quarry operations
 - o New Reclamation Plan

Chair Alden announced that the Commission would continue their discussion on the General Plan 2020 Element related to Neighborhoods.

Neighborhoods

NH-2

Commissioner Atchison commented on the references and noted that he could not find C-29-b. Ms. Jackson agreed to review and correct the reference.

NH-4-c

Commissioner Whipple asked staff how NH-4 would manifest itself. Bob Brown, Community Development Director, responded that this is essentially discussing the goals of code enforcement. He noted that the City does not have any ordinances that require a certain minimum level of exterior maintenance of a property other than weeds that would constitute a fire hazards. He explained that a number of cities do have such ordinances and staff believed it would be worthwhile to review them.

Commissioner Whipple asked staff to explain the difference between NH-4b and NH-4c. Mr. Brown responded that currently in the development review process there is a standard condition that requires landscape maintenance and that is very important for code enforcement. The City has no ordinance of requiring property maintenance including landscaping, which is a requirement for newer projects not older. He added that

in terms of actual property maintenance it would be a case-by-case situation.

Commissioner Whipple added that he is uncomfortable with what could be implied or inferred from this section. Ms. Jackson suggested deleting the word “*standard*” from NH-4-b and Mr. Brown suggested making NH-4b just for landscape maintenance. Recommended edits will be provided.

NH-5

Commissioner Atchison recommended reorganizing this section to read, “*walk, bicycle and drive*.” Ms. Jackson responded in the affirmative.

Commissioner Kirchmann discussed sidewalk maintenance such as trimming shrubbery off of sidewalks and asked staff if it would be appropriate to add that language to this section. Mr. Brown responded that it would be more appropriate to add that language to I-7 on page 196 where it discussed landscape maintenance along streets. Ms. Jackson noted that staff would provide wording to the Commission for its review.

NH-8-c

Commissioner Atchison expressed concern about the last sentence and believed rather than talking about “significant majority”, he suggested quantifying the matter. Mr. Brown noted that the Steering Committee did not desire to define a number or the area at this time. Ms. Jackson added that staff’s recommendation would be not to define what would be a significant majority leaving that up to, for example, Nader Mansourian, when he works on the implementing program.

NH-9b

Commissioner Whipple asked staff to explain how expansive this section might be. Mr. Brown responded that overnight on-street parking has been a significant problem raised by the Federation and a number of individual homeowner associations. He explained that the Police Department had drafted an ordinance which would deal with the on-street parking but it has not gone through the hearing process yet. Ms. Jackson suggested adding the words “*on-street*.” Commissioner Whipple agreed.

NH-10x

Commissioner Atchison suggested stating, “*and/or*” rather than “*and*.” The Commission and staff agreed.

NH-17a

Chair Alden stated that he has several reservations about the Hotel/Cineplex idea in downtown and expressed concern for adequate traffic capacity for both uses. He believed it is not a well thought out idea and felt it is inconsistent with the character of the Downtown and its smaller entertainment venues. Mr. Brown responded that both had been City Council goals for a number of years. He stated that in terms of traffic capacity, a hotel is a very benign use in terms of peak hour traffic. He discussed the Cineplex impacts and pointed out that it would support restaurants and retail. He added that the hotel market is coming back and a hotel is also a very supportive use to Downtown with the San Rafael Corporate Center as a significant office designation.

Commissioner Atchison questioned how a Cineplex would sustain the office market. Ms. Jackson clarified that the hotel would sustain the office market and the Cineplex would be for the “alive after five” concept. Commissioner Atchison suggested adding that language in the document. Ms. Jackson agreed.

Nancy Mackle, Economic Development Director, noted that the Downtown Vision called for a “live after five”. She added that she works with the Downtown merchants and while they are very happy with the downtown, they desire a Cineplex in order to make the City more vibrant and achieve a better mix of uses. She also noted that the hotel has dropped from the market currently. However, she felt a hotel would fit in well with the office market, entertainment and with the travel industry to promote the downtown area.

Commissioner Scott recommended leaving the language as it currently exists. Chair Alden noted that given the demographics in San Rafael he is not convinced that there would be a demand for a Cineplex because the City already has a Cineplex located in the mall. He further noted for the record that he did not agree with the Hotel/Cineplex idea. The policy remains unchanged.

NH-11

Commissioner Atchison suggested calling out “bicycles” as transportation in regard to the downtown area. Ms. Jackson agreed to review the matter with the adopted Bicycle Master Plan. She also recommended adding a reference to the appropriate Circulation Policy in that regard.

NH-30

Commissioner Atchison suggested adding language that talked about the wraparound on corner in order to be pedestrian friendly on both sides of a corner. Ms. Jackson noted that this policy applies to all buildings in downtown, and not just on Fourth Street. No changes were made.

NH-35a/b

Commissioner Whipple believed they should focus on residential or other commuters using the transit center who arrive at this hub. Ms. Jackson responded that Hetherton Office District stretches from Second Street up to Mission Avenue and is one of the more restrictive zoning districts. Commissioner Whipple suggested focusing on this area as a transportation center that would allow office or residential on the ground floor or any use that could demonstrate a nexus to the hub.

Chair Alden believed it is not necessary to have retail on the ground floor in this area and agreed to having residential and office use in order to encourage people to use transit. Commissioner Scott suggested making it a mixed-use district to allow for residential in that area. Commissioner Kirchmann did not view where the proposed policy dictates only retail on the street level. Mr. Brown responded that if this was a desire of the Commission to change the current zoning regulations that allow retail on the ground floor then NH-55-

a should be modified to specifically state that aspect. He further added that staff could be more specific to allow more office or residential uses on the ground floor that would relate to the transit center.

Commissioner Lang agreed that they desired transit services near the transit center, but because it is so far out, she had trouble linking it to the nexus of the transit users.

Chair Alden suggested rewording the language in NH-35a to read, "*encouraged*" rather than "*required*." Chair Alden asked staff to consider substituting the word "*car*" on the second line with the phrase, "*are encouraged, but not required*." Mr. Brown agreed to review the Zoning Ordinance provisions for the Hetherton Office and come back before the Commission with suggestions.

Commissioner Atchison suggested stating, "*supporting efforts by public or private transportation entities*" to NH-35b. Ms. Jackson suggested stating, "*private providers*." Commissioner Kirchmann suggested stating, "*and other providers*." The Commission and staff agreed.

NH-74

Commissioner Kirchmann suggested rephrasing this section so it allows for mixed-use with residential. Ms. Jackson agreed.

NH-80

Commissioner Kirchmann asked staff if this section is talking about two different locations, and if so, where are they located. Ms. Jackson responded in the affirmative and better understanding of the policy.

NH-82-Canalways

Chair Alden requested opinions from the Commission about whether or not each Commissioner agreed or disagreed with the proposed language about Canalways. Commissioner Scott recommended leaving it as written in the document. Commissioner Kirchmann agreed.

Commissioner Atchison suggested stating, "*wetlands provide habitats for many species including rare and endangered species*."

Commissioner Whipple recommended having fewer words with less opinion about the improvements and endangered species and suggested stating, "*recognize that the property is conflicted and that it has both the potential for helping with the developing needs of the community as well as having the potential for habitat value*." He further noted that before any development moves forward it must be evaluated. Commissioner Lang agreed with NH-82-a and concurred with Commissioner Whipple's comments. She then asked staff to explain how 11-acres were identified for LI/O. Ms. Jackson responded that the GIS mapping program was used to outline the area, so the computer would generate the size, which is based on the land use designation in the current plan. Commissioner Lang clarified with staff that the Mapping Subcommittee agreed with the

previous existing map and carried it through into this document to arrive at 11-acres. Staff concurred. Commissioner Lang asked staff if the same group made the decision to exclude the other acres allowed for development in the current plan. Ms. Jackson responded that the other areas of the property are at a lower elevation of the possible uses on the site, light industrial/office has less of an impact on the habitat area than residential does.

Commissioner Lang asked staff if this language would preclude residential development on this site. Mr. Brown responded that it indicates the City's current policy that it should be light/industrial and should be limited to the area along the Kerner portion of the property.

Commissioner Kirchmann asked staff if the proposed changes in the land use designation and the resulting change in zoning applicable to particularly the most northerly parcel is a regulatory change that would not result in a taking. Tiffany Wright, Legal Counsel, responded that it would not result in a taking because when reviewing the regulations the entire property would be reviewed, which includes the area that is light industrial/office, so there is still remaining economic use. She also added that as the General Plan is currently written, even if the entire site was designated "conservation", there would still be some question whether that precluded any economically viable use because "conservation" allows use of a property after taking into consideration environmental issues.

Chair Alden stated that they cannot determine exactly what could be built on Canalways until they have an extremely thorough EIR. He believed the language presented did a great job of stating the general community intent about Canalways and felt it takes into account all the different concerns that the Commission discussed, including the effect development might have on a variety of species that exist currently; how traffic congestion would play into development; the possibility of putting aside some portion for open space; looking seriously at developing another portion of the site with light/industrial and office use. He did not see any language that would preclude the landowner's constitutional right to have some development and felt there is a very good balance with the needs of the community and the need to preserve open space and wildlife habitat. He also stated that there is nothing in the plan that would preclude the owner from presenting a very thorough EIR and an application to rezone the parcel in some way if merited down the road and believed this language is extremely appropriate and well written. He further stated that he is convinced from the information presented that it is probably not a real suitable location for housing unless they are presented with an EIR indicating that housing would be appropriate.

Commissioner Lang believed NH-82a is appropriate although she found it troubling that they already made a decision in favor of light industrial/office rather than residential. Mr. Brown stated that conservation could turn into a developable land use category in the future if the environmental constraints are analyzed and found to be acceptable.

Commissioner Kirchmann suggested adding a statement about considering other uses.

Commissioner Atchison suggested removing "light industrial/office" and state, "the use that has the least impact would be the preferred use." Mr. Brown responded that if the Commission desired to do so, he suggested reviewing the land use map and possibly eliminate light industrial office and just make the entire section conservation.

Chair Alden stated that based on information provided, light/industrial and office is the use that would have the least impact on the wetland habitat. He did not believe that all other uses are forever precluded because matters change and they are required by law to review each application. He believed it is not unfair to state that light industrial/office would have the least impact on the wetland habitat.

Commissioner Atchison noted that they must review the document as a "living document" because parts could change. Commissioner Scott stated that it could change in response to an application and recommended leaving the policy as it is until such time there is an application before the Commission.

Commissioner Kirchmann stated that and in his view the biggest change in policy statement would be recognition that a residential development along the northerly portion would not be appropriate. This is supported by the tour of this site.

Ms. Jackson clarified that there would be no change. Commissioner Kirchmann supported the change that Commissioner Atchison suggested in regard to providing habitat for many species including rare and endangered species. The Commission and staff agreed.

NH-87-Cal-Pox Site

Commissioner Scott believed it is inappropriate to add housing at this location. Commissioner Atchison concurred.

Commissioner Kirchmann supported the majority recommendation from the Steering Committee to include the last sentence. Commissioner Lang suggested changing the sentence to read, "comprehensive assessment analysis and demonstration of safety along with notice to the occupants" and with that change she would support Commissioner Kirchmann's comments.

Ms. Jackson noted that if the sentence is retained it is an indication to the property owner that residential use could be considered. Commissioner Whipple desired the sentence to be included.

Chair Alden agreed with Commissioner Scott and Commissioner Atchison that this is a strange site to have housing because it is an oddly shaped fairly small parcel and it is not in an area that would support residential uses. He further noted that the Commission is split 3:3 on NH-87.

NH-90

Commissioner Lang suggested adding the Windward Way Park to this section. She

discussed PR-9 that includes a list of new parks among them is the Windward Way Park and to PR-9a (pg. 232), but the other parks are more conceptual and it seemed that Windward Way belongs under PR-8 in relation to park improvements in order to provide more emphasis. Ms. Jackson responded that PR-8 includes other undeveloped park sites and suggested discussing the issue in more detail with Community Services staff.

Commissioner Kirchmann believed there is some potential inconsistency with NH-90 and PR-8 and asked staff to review. Ms. Jackson agreed.

NH-48

Commissioner Atchison reiterated his concern of encouraging pedestrian and bicycle use. Commissioner Whipple discouraged bicycle use given the conflict between bicycles and pedestrians. Commissioner Kirchmann agreed with Commissioner Whipple's comments in this specific context.

NH-52a

Commissioner Scott asked staff to explain the issue between without reliance on Federal funds and "receive Federal funding". Mr. Brown responded that staff would continue to try to receive Federal funds, but the chances are extremely unlikely, so they are trying to be realistic on how crucial it is to develop a self-help funding source. Commissioner Whipple suggested adding "with or without." Mr. Brown agreed to work on the wording. He also suggested including language to the extent "if Federal funds are not available."

NH61

Commissioner Atchison recommended stating, "of a Civic Center SMART Station."

NH61a

Commissioner Kirchmann believed it would be appropriate to work with Golden Gate Transit as well as SMART and the County. He recommended exploring a transit oriented development in the Civic Center area whether rail runs through it or not.

NH61c

Commissioner Atchison recommended keeping all modes of transportation, including bikes, in regard to traveling to and from the Civic Center area safely.

NH66

Commissioner Kirchmann asked staff if consideration was given to mixed-use with a neighborhood serving retail for this site. Ms. Jackson responded that consideration was not given and pointed out that it is a very small site.

NH69

Commissioner Atchison expressed concern for the last sentence stating, "private single-family residential development" and suggested changing that sentence to be more generic. Mr. Brown suggested stating, "if sold for private development, the permitted density should reflect the significant site constraints." Commissioner Kirchmann

believed the permitted density should reflect the significant site constraints whether it is developed by an amendment to the University Plan or some other developer. Staff agreed.

Commissioner Kirchmann recommended deleting the first clause to read, "*the permitted density should reflect the significant site constraints.*" He also supported leaving a reference to NH69a in the case an individual in the future is not familiar with the history of the site, they would be aware that the Master Plan must be consulted.

NH171

Commissioner Atchison requested stating, "*the inside (residential side) of the sound wall.*" Ms. Jackson responded that this policy is silent on which side of the sound wall is landscaped.

Commissioner Kirchmann recommended broadening this section and not connecting it exclusively to the Gap Closer Project. Ms. Jackson agreed to reword the program so it is not so project specific.

NH110

Commissioner Kirchmann asked staff to carefully clarify so that this did not conflict with a potential extension of the rail to Larkspur Landing or San Quentin. Ms. Jackson agreed to clarify the issue with the Director of SMART.

NH119

Commissioner Atchison noted that several individuals expressed concern for bike routes and safe routes for children and asked staff if those had been studied. Ms. Jackson suggested reviewing this section with Nadar Mansourian in regard to the adopted Bicycle and Pedestrian Plan. Chair Alden believed adding some cross-references would be beneficial.

NH121(a)

Chair Alden expressed concern for a boat launch and boat storage because in his view it is difficult to have one without the other because of the lack of sufficient parking. Ms. Jackson agreed to add a phrase stating, "*day use parking.*" Chair Alden agreed with the language in NH-121-a involving a mixed-use parking analysis to establish adequate parking requirements.

Commissioner Lang expressed concern for the amount of residential density proposed for this site and believed it must be low density residential to solve the density issue. Commissioner Kirchmann asked staff to provide some analysis in that regard, especially how the density here would translate to units with the proposed policy requiring the development to be at the minimum density. The Commission agreed.

Commissioner Kirchmann was confused about how the City's policies on density ranges and minimum and maximum densities apply in the mixed-use context and believed this is the sort of development that must be well thought out. Mr. Brown responded that the

range in this case would be 10-acres with a minimum of 60 units and a maximum of 150 units. Ms. Jackson noted that the Steering Committee desired to provide enough site design flexibility, so they considered applying a residential-only district on the site, but had no idea where retail or parking would be located and that is why the more flexible Neighborhood/Commercial was given to the site. Chair Alden indicated that if it were split in half, low density residential would be 2 to 6 units per acre, multiplied by 5 acres to receive 10 to 30 for that portion, and Neighborhood/Commercial resulted in 30 to 75 units, so the total for the project could be 40 to 105 assuming it was split in half. Commissioner Lang indicated that in her view these numbers are still too high.

Mr. Brown noted that if the land use designation is changed, the Commission must go back to the Table in the Housing Element and increase units elsewhere. Ms. Jackson noted that in terms of the higher number of units, it is reached by having smaller units than with a lower density development. Mr. Brown further added that the majority are small units with some townhouses.

Commissioner Kirchmann noted that he is not ready to make a final decision on this issue and stated that he must go back and review the material he received in order to understand the parameters for a mixed-use development.

Commissioner Atchison believed the low end of the range seemed to be a waste because bigger homes would be built, which is not what is desired. He noted that they are trying to accomplish a very lovely project with a variety of heights in that area because the site is too precious, but in his view 150 small homes would not be appropriate. Mr. Brown added that traffic and traffic implications would make a difference in density. He also stated that if the increment were between 100 units and 75 units it would not make a real significant difference. He also noted that the sense of mass and scale is another issue in regard to density. Commissioner Lang agreed that it is all about massing. Mr. Brown added that staff has confidence in the design review process, which would ultimately produce a handsome project.

Commissioner Whipple noted that he is uncomfortable with the detail provided and believed they should review this by subtraction rather than addition because the design review process has served the City well in the past. Commissioner Scott concurred with Commissioner Whipple's comments and agreed to wait for the details until they have an application before the Commission.

Chair Alden asked staff to be more articulate in regard to the massing issue. Ms. Jackson agreed.

Commissioner Lang discussed the third to last sentence in the "Loch Lomond Description" that stated, "*The shopping center buildings are old, unattractive, in need of maintenance and lack in architectural theme*" and in her opinion it seemed harsh and asked staff to delete or reword that section. Ms. Jackson agreed to reword.

NH121b

Chair Alden pointed out that in this particular neighborhood there is no portion of that community that is lower than the street level or where Loch Lomond intersects the entrance to the marina. Mr. Brown responded that they are dealing with viewpoints along a public street and in most cases those streets have houses that front them and those houses block any distant views; whereas if standing in the back porches of those homes, which are elevated, then there are substantial views. He agreed that given the topography by the time individuals reach an elevation where they could view the Bay from their homes, they would be far enough back that the difference between two or three-story homes would become pretty insignificant. He also added that the applicants would have to prepare photomontages to evaluate that issue, to allow residents to understand how this development would appear. He further stated that changing those last three words is a very significant departure from past city policy and CEQA.

Chair Alden asked staff why they have concerns in that regard. Mr. Brown responded that it would be a significant policy change. He stated that if the Commission changes the policy as it relates to this particular piece of property and private views, they would probably desire to do the same throughout the City. Chair Alden asked staff why the current standard that is proposed would result in a different project than if they stated that they would not change the view from any particular house. He also indicated that if they did not desire the view from the street to change or to be substantially impacted, he felt given the topography of the neighborhood it would mean that the neighbors' views would not change very much either. In terms of the practical effect of the policy, he did not understand how they could arrive at a different result. Commissioner Kirchmann disagreed and noted that today, if an individual is standing or driving along Pt. North San Pedro Road an existing one-story structure would block views of the Bay and if an individual owns one of the homes that is up the slope, they would look over the top of the existing one-story buildings and if there was a two or three-story building, a portion of the marina and Bay would be obscured.

Chair Alden believed they could establish a view policy that addressed the concerns about how this project affects the view without needing to make an assessment of how the view changes from every single house in the neighborhood, which in his opinion is obviously an impractical public policy. Commissioner Lang stated that the building height section is trying to minimize the significant impacts on private view. She believed Section "B" could talk about preserving and enhancing public views and Section "C" could talk about minimizing the impact on private views, so to have a different standard so it did not become completely unworkable, but at the same time be cognizant of these impacts. She further added that the value that a view adds to a house could be substantial and to take it away without at least attempting to minimize the impact is not a good public policy.

Commissioner Kirchmann believed they are looking for a very carefully conceived high quality project that takes advantage of the opportunities present and do it in a manner that is sensitive to the residential context. He added that they all recognize that the Loch Lomond site is a very special site that has some constraints from the existing development around it, but he felt that a developer who really works at it could create a

very successful development at that location that would prove to be an asset to the community and ultimately embraced by the neighbors.

Ms. Jackson clarified that Section "B" might be acceptable, but Section "C" in talking about heights, the placement of heights must be a consideration of impacts on views. Commissioner Lang noted that it is more than just height. Ms. Jackson agreed to review. Chair Alden noted that the consensus of the Commission for the second option under Section "C" appeared to be disfavored. Ms. Jackson concurred.

NH121c

Commissioner Scott indicated that the Commission must make a decision in regard to the height limit.

Chair Alden pointed out that the first recommendation strongly encouraged a variety of building heights consistent with the height limit of the zoning district. He asked staff if the Steering Committee was aware that this language effectively called for 36 feet in both instances. Commissioner Kirchmann pointed out that the first recommendation would be limited to 30 feet in the Neighborhood/Commercial portion if it were not a mixed-use building, so it is only for a mixed-use building that the extra 6 feet would be allowed.

Commissioner Lang asked staff to explain why this is needed. Ms. Jackson responded that the height was a major discussion for the Steering Committee, but actually the policy is not needed in this policy. She noted that the height limit could remain as indicated in the General Plan and the Land Use Element. She further added that the design approach of having a variety of height was a very important concept to the Steering Committee.

Commissioner Whipple suggested deleting both sentences in order to avoid a General Plan amendment and instead just having height regulated through zoning. Commissioner Lang desired Section "B" in regard to views to be enhanced in order to preserve them.

Commissioner Scott agreed with the Steering Committee's first recommendation of having a variety of building heights. Commissioner Kirchmann and Commissioner Atchison concurred. Commissioner Atchison expressed concern for the view corridor and believed that should be addressed as well.

Chair Alden believed there is a lack of clarity in regard to the appearance of 36 feet. He also agreed with Commissioner Lang's comments that the development should not negatively affect the views that are already present. He also desired a variety of building heights in order to make the project much more appealing and to be more consistent with what is desired in San Rafael. He further disagreed with the Steering Committee's second recommendation because it would not fit the community character.

Mr. Brown pointed out that it is virtually impossible to preclude any individuals view from being impacted by, development of this site.

Ms. Jackson summarized the Commission's comments in relation to NH-121-c as

follows:

- That there should be a policy statement about the variety of heights; and
- That the heights should be established by what is included in the Zoning Ordinance.

Ms. Jackson further noted that staff would bring back a policy in regard to the variety of heights.

Chair Alden announced at 9:43 p.m. that the Commission would take a five-minute recess and then reconvene with continued discussion on the General Plan 2020 Elements.

Chair Alden indicated that Mr. Mansourian would briefly present his material on traffic, the Commission would open the public comment period and then return to the Commission's discussion on the General Plan 2020 Elements.

Nadar Mansourian, Traffic Engineer, provided the Commission with a presentation on travel times as requested at the last meeting that included the following:

- Travel Time
 - Travel time studies were conducted and compared to the model projections to verify accuracy and easier to understand the model projection
 - 64 Additional travel time studies were conducted in March 2004
 - To date 522 travel time runs have been conducted.
- Travel Time Studies
 - These are not criteria to measure a project impact
 - These are tools to better understand intersection and roadway segment operation, delay and level of service
 - These are random tests between 7:00 – 9:00 AM and 4:00 – 6:00 PM for various segments
- Additional Travel Time Studies
 - At the request of the Planning Commission additional AM and PM peak travel time studies were conducted on March 15-17, 2004.
 - The test runs were concentrated on Pt. San Pedro Road/Lochinvar to 101 ramps, 2nd and 3rd Streets.
 - The runs were done during late peak hour (8:00 –9:00 AM) and (5:00 – 6:00 PM).
 - The latest data was compared with previous studies
- Additional Special Route Studies
 - What did additional travel time studies conclude?
 - Confirmed the previous travel time studies, and model projection.
 - There is less congestion when schools are not in session.
 - Traffic volume, delay and events (accidents) change daily but travel time continue to have a similar pattern

Chair Alden opened the public hearing on the General Plan 2020 Circulation, Neighborhoods, Economic Vitality and Community Design Elements.

SRPC MINUTES (Regular) 3/23/04

Ted Postuma, San Rafael resident, recommended the following to the Commission for their consideration:

- Raise the levee of Canalways by at least three feet
- Kerner Boulevard Gap Closure had been overlooked
- Create the I-580/101 expressway
- Cross I-580 at Andersen/Irene to provide a double loop, which would relieve 50% of Bellam traffic
- Preserve some wetlands, but also build affordable housing in Canalways
- Build a pedestrian/bicycle bridge over the canal to San Rafael High School

PH-119

Elissa Giambastiani, 817 Mission Ave., San Rafael, representing the San Rafael Chamber of Commerce, expressed concern for lowering the density on a number of parcels and suggested maintaining the building height at Loch Lomond at 36 feet in order to allow the buildings to be clustered and provide an opportunity to retain some view corridors as well as create an opportunity for more affordable units to be created. She agreed with NH35 in regard to the Hetheron Office that the goal should be more office and residential rather than retail. She discussed NH82 in regard to Canalways and believed the residential use should be a permitted use. She requested a height bonus of two-stories at Northgate Mall in order to accommodate affordable housing. She commented on NH-166 in relation to the Terra Linda Shopping Center and requested the same height bonus of two stories to increase the housing stock. She disagreed with the residents who signed a petition opposing a medium density at Nova Albion sites and strongly suggested that the density at the Nova Albion sites not be changed. She stated that she did not understand the language included in CD22a and asked that it be reviewed. She further asked the Commission when they would address the comments from the State that were sent to the City in a March 12th letter.

PH-120

Diane Henderson, 980 5th Ave., Suite 203, San Rafael, Land Use Planner representing Cal-Pox Inc., encouraged the Commission to leave the sentence in regarding the potential use of the Cal-Pox Site for an hotel or housing. She believed this particular site has potential for housing or a hotel with incredible Bay views and close proximity to 101 and 580 as well as the Shoreline Park. However, no use of this site should be determined until appropriate studies are conducted. She felt leaving the potential for housing or a hotel would provide the City with an option to receive the highest and best use. She added that if the wording remains in that it allows the owner to come forward with the appropriate studies that would show whether or not that is a good use. She then discussed Title 27 of the California Code of Regulations that regulates post-closure development on landfills and the State code allows the development of housing and hotels, but it is subject to pretty intense scrutiny. She noted that there are several examples in the State where former landfill sites had been developed for residential and/or hotel use such as the Sierra Point project in South San Francisco, the Hilton Hotel in South San Francisco, the Sheraton Hotel on the former Los Angeles landfill, and the high-density residential development in Long Beach called "Whalers Cove." In addition to considering environmental impacts that would also include traffic, and noted that a hotel is a very benign use in relation to peak hour traffic along with senior housing.

PH-121

SRPC MINUTES (Regular) 3/23/04

Krystyna Barron, Gerstle Park resident, discussed NH-116 and expressed concern for the last bullet point and believed language should be included that would provide the neighborhood the majority of the weight. She commented on NH-11 and suggested changing the word "should" to "shall" so that it is consistent with the agreement and promise made to Gerstle Park that the Short School property would not be developed beyond 6 or 7 units per acre. She also desired the sentence regarding "site density transfer" be deleted. She felt the entire General Plan 2020 is a move toward urbanization for the City of San Rafael, which did not reflect the voice of the residents and taxpayers of the City because the people did not desire the LOS to change or to have taller buildings.

PH-121A

Hugo Landecker, Gerstle Park resident, addressed housing on the major corridor of Second, Third and Lincoln Streets and noted that there is a mix of uses behind these parcels and housing proposals that would be asking for structures with maximum densities and height bonuses. He believed it would be a struggle for development to fit in and be compatible with the existing uses. He believed this is the worst planning and wording must be included in the General Plan that the new structures must be compatible with the existing uses. He added that the driving force of General Plan 2020 is the need for affordable housing, and there were several scenarios discussed at the Steering Committee level. He stated that between the General Plan and the EIR there is a discrepancy with the housing numbers. He further noted that the impacts of General Plan 2020 would be caused by new housing and new commercial development and asked the Commission how many new units they are considering.

PH-122

Jackie Schmidt, President, Montecito Area Residents Association, discussed the intersection of Third and Union and supported the improvements that Mr. Mansourian described at the last meeting strictly from a safety issue. She then encouraged the Commission to implement Mr. Mansourian's plans to improve pedestrian safety.

PH-123

Kevin Stockmann, Gerstle Park resident, commented on Section NH38a on page 34 and suggested adding a clause "including the development and implementation of a Creek Management Plan as specified in the Mahon Creek Final Conceptual Plan." He discussed on-going maintenance and noted that the Creek Management Plan had not been established and believed the specific language calling for "Creek Maintenance" should be added to Section NH38a.

PH-124

Andy Eusterlin, Bay Point Lagoon resident, represented several audience members, supported NH-82 as written in the Plan. They also support the Marin Conservation League's position to preserve the upland habitat portions of the Canalways. They feel Canalways is a wetland area and they also believe that endangered species would be found in the area. They also expressed concern for individuals walking their dogs in the area and provided the Commission with photographs depicting the misuse of the land.

PH-125

Lawrence Ewing, Executive Director, Marin Ballet, requested that Marin Ballet's property be designated Public/Quasi Public in the General Plan update because the land use designation would be a better use for this site. He also noted that he would contact the

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neighborhood in the next couple of weeks to explain the request in order to receive support and then ask staff to include the land use designation change in the General Plan update.

PH-126 cont.

Albert Barr, Co-Chair, Loch Lomond Marina Committee and Pt San Pedro Road Coalition, stated that a significant development has arisen regarding NH-121 in relation to the density issue in the General Plan. He provided the Commission with two architectural drawings in order to depict his concerns that included the continuous sound wall to protect sound and believed columns should be installed between each townhouse and the road. He pointed out that density is the main problem and they strongly recommend that the Commission lower the density from medium density to low density in order to meet the developers profit goals, the City's goals, as well as the residents' goals.

PH-127

Rocky Birdsey, representing Marin Center for Independent Living, recommended additional sites for affordable housing. He discussed NH-24 in regard to pedestrian comfort and safety and suggested changing the word "comfortable" to "accessible." He discussed the first bullet point and stated that pedestrian safety is paramount and requested that the section be reworded. He discussed the background and recommended that when talking about pedestrian network that they add "accessible pedestrian network." He discussed Paratransit and disputed the facts in the document and explained that by year 2016 or 2018 35% of the population would be seniors and asked staff to study that section and include a higher number. He also suggested using the words, "to meet and exceed ADA mandated service" rather than "where needed" on page 182. He commented on utility companies and asked the Commission to work with staff to establish a plan that all utility companies comply with the ADA requirements. He then discussed proposed improvements on page 169 and stated that a significant percentage is proposed as bicycle routes and asked that a bullet point address that some of these routes have bicycle and pedestrian proposed improvements. He further noted that he would submit written comments.

PH-128

John Gladish, owner, Canalways, quoted wetland information from the biology consultants as follows: "there is the possibility that after further detailed efforts a large portion of the Canalways may be classified as upland habitat not wetland, for instance, a portion of subject property along the western boundary contains a mix of wetland and upland plant species and the hydrology is not prevalent. However, it is not possible to make a final determination of the boundary between upland and wetland habitat without having a wetland delineation conducted." He asked the Commission how the development potential was reduced from 25-acres to 11-acres when the staff report indicated that it is not possible to make the final determination between upland and wetland habitat without having a wetland delineation conducted. He further stated that it seemed a shame to preclude 15-acres of land that could be developed if it is uplands.

PH-129

Eric Anderson, representing, Marin County Bicycle Coalition, discussed a few major points for the Commission's consideration as follows:

- Reiterated that MCBC strongly supports the Commission's recommendation to

PH-130

reorganize the order of the goals.

- The Planning Commission strongly supported deleting the phrase, "as feasible" from the section that described when appropriate to conduct bicycle and pedestrian improvements, which they strongly support and looked forward to a response.
- They support a specific timeline for implementation of the Pedestrian and Bicycle Master Plan as part of the General Plan 2020 with the goal to complete the Bicycle Network by 2020.
- They agreed with Chair Alden's request that the Bicycle and Pedestrian Master Plan be amended at least in part to the San Rafael General Plan.

Mr. Anderson also discussed the written comments that the Bicycle Coalition submitted to the Planning Commission for their consideration as follows:

- That there be a reference to adopting bicycle level of service standards
- A Commitment be made to monitor alternative traffic
- Problem areas should be highlighted in the General Plan

Dwayne Humm, Mill Valley resident, provided the Commission with a letter in response to comments made by various homeowner associations for their consideration. He added that many people believed Canalways is a wetland site, but felt that language should not be included in NH82 until studies are conducted. He asked why the burden is on the property owners when there is a need for affordable housing. He further requested that the Commission modify the wording in NH82.

John Mitguard, San Rafael resident, provided the Commission with several photographs in relation to flooding in the area of 1st Street, Taylor and C Street. He further added that the flooding is becoming worse and the City must mitigate the issue and asked that it be addressed in the General Plan.

Jeanne Emmons Cohn, Loch Lomond resident, discussed NH-49 and pointed out that there is a full service marina at Loch Lomond, so another full service marina is not needed. She expressed concern for the parking problems that would be created by the proposed development and believed that should be studied in more detail. She stated that the transportation out on Pt. San Pedro Road is not great, so if a development is allowed to have 50 units that would mean 100 to 150 additional vehicles that must be accommodated along with guest parking and service vehicles. She further asked that this area be classified as low density rather than high density.

Roger Roberts, 223 So. Heights Blvd., San Rafael, discussed CD-3 in the preamble language and noted that he did not understand the language and recommended that the language be amended to state, "develop programs to ensure that new structures including additions and renovations fit within the context and the normal average scale of housing in the built environment in the existing neighborhoods." He then discussed CD-11 and noted that mixed-used was not discussed and believed language should be included that talked about design guidelines for mixed-use sites. He further believed it would be useful in CD-11 to state, "develop design guidelines to ensure that new mixed-use and non-

residential development fits within the scale and character of the immediate neighborhood and improves the neighborhood and community as a whole."

Mike Nelson, representing, San Pedro Cove Homeowners Association, discussed section 121b in relation to marsh wetlands and Bay views and added the words, "public access ways" because he believed they have the same impact. He also indicated that it is important that the development turn over a large amount of land to public access in order to continue to have views that are prevalent in that area, which in his view would be a small addition.

Fred Grange, Canalways resident, discussed page 6 of the staff report and found it disheartening that Live Oak Associates visited the site in March 2004 and made findings without permission. He pointed out that the Fish and Wildlife Service conducted a number of trappings indicating that there were no salt harvest mice found, which Live Oak Associates did not mention in their report. He also presented written evidence from three experts and the evidence has only been rebutted by stories and in an incomplete report by Live Oak Associates. He added that Canalways is not an endangered species site. He stated that they submitted a copy to the Commission of what they had constructed up the street that would provide more wildlife benefits, which they could provide to the Canalways if allowed the opportunity. He further submitted photographs to the Commission for their review.

Timber Cavasian, 22 Bayview St., San Rafael, complained about the public process. She also discussed Circulation and asked why traffic mitigation equated to only a few circulation improvements in regard to page 156. She also encouraged the Commission to consider the improvements for the Gerstle Park Neighborhood section. In general, she felt change could be good, but it must be tempered and rebalanced and the EIR offers a warning that they are reaching toward unsatisfactory limits. She also did not view much risk in proceeding cautiously. She further echoed Mr. Roger's comments in regard to mixed-use.

Lynn Bradescu, Gerstle Park resident, asked how much this entire process has cost, including the Steering Committee, contract planners, City planners, outside consultants, EIR's and any and all other expenses and desired figures and accounting information. She also believed that the process has not allowed for proper public input or comment and that the public is not finished expressing their concerns and comments. She added that a Plan so important to the quality of life certainly deserves to be studied in more detail. She stated that the fact that the Commission intends to pass this approved Plan to the City Council is outrageous. She believed the public needs more time. She noted that they support the East San Rafael residents who have voiced their concerns repeatedly. She explained that since the Planning Commission is appointed by the City Council, they believe that it smacks of "cronyism" and wondered if this entire process is just paying residents and taxpayers' lip service. She further reminded the Commission that it is "Government of the people, by the people, and for the people" and that she felt the City has left out "for the people" and requested additional time.

PH-134
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PH-135

PH-136

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PH-130
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PH-131

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PH-133

PH-134

Andrea Eneidi, Gerstle Park resident, commented on Exhibit 19 on page 169 in regard to the Table and advocated to remove or strike Item 19, which is the signalization of 1st and C Streets and to restrict parking and provide turn lanes at a cost of \$150,000. She noted that the neighborhood is opposed to this and asked that language be added to the General Plan about having a formalized process in order to negotiate their issues with the City that particularly involve the neighborhoods.

PH-139

Jean Starkweather, representing, Marin Conservation League, emphasized that the Canalways site is a wetland habitat that includes more than wetlands itself and noted that the western area of the site is used by birds and animals. She added that Canalways is not flooded at the present time, but many birds hunt, rest and feed in this location and it is a very important site that should be preserved. She also added that development plans had been considered before and the Corp of Engineers denied the project and she believed this would be a very difficult site to build due to the importance of the habitat. She further noted that the staff report recommended removing Exhibit 35 and she suggested that Exhibit 35 remain because it is more specific and much easier to read as well as the box discussing the wetlands and its importance.

PH-140

Chris Peterson, Loch Lomond resident, provided his comments in writing to the Commission for their review due to the late hour.

Sharon Burnet, Gerstle Park resident, explained that she drives, bikes or takes the bus to work and stated that the City needs more pedestrian and bicycle lanes. She also requested that the Commission review the Cineplex idea with a careful eye and asked that the downtown be kept fun, attractive and nice as it currently exists. She further requested that the Commission take a very careful look and assess the wetlands with an EIR and noted that more than 90% of the wetlands in California have been destroyed.

PH-141

Craig Murray, Loch Lomond resident, noted that due to the late hour, many individuals such as seniors left the meeting and expressed concern for public input and requested that the public comment be taken first on the agenda or that the Commission consider using a speaker card system. He provided written comments to the Commission for their consideration. He then discussed the goals and establishing impacts and desired more of the economics reviewed on any of the goals of the project. He indicated that he would submit a study from the California Association of Cities showing that multi-family housing is not appropriate and believed the top priorities should be to retain industrial and commercial areas as well enhance the economic tax base of this community. He further requested more transportation demand management on projects.

PH-142

There being no further public testimony on the, Chair Alden closed the public hearing and brought the matter back to the Commission for discussion.

Ms. Jackson announced that at the next meeting which would be held on March 30, 2004, and there would be a public hearing on the In-Lieu Ordinance, Interim Design Guidelines, the Zoning Ordinance and the Project Selection Procedure Resolution, which would be held on March 30th, 2004. Chair Alden suggested having the noticed public

hearing at the next meeting and then continue their discussion to a later date.

Commissioner Atchison suggested having a special meeting in order not to push the entire process into another month. Chair Alden and Commissioner Scott concurred. Ms. Jackson suggested having an additional meeting on Wednesday, April 21st. The Commission agreed.

DIRECTOR'S REPORT

There were no comments.

COMMISSION COMMUNICATIONS

There were no Commission Communications.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 11:55 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES SPECIAL MEETING
SAN RAFAEL PLANNING COMMISSION
March 30, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple
Commissioners Absent: None
Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner,
Evelyn Buchwitz, Contract Assistant Planner
Stephanie Lovette, Economic Development Coordinator;
Richard Bornholdt, Housing Consultant

UNAPPROVED

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Alden, Atchison, Kirchmann,
Lang, Paul, Scott, Whipple
NOES: Commissioners: None
ABSENT: Commissioners: None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

- 1. Minutes of March 17, 2004

RECOMMENDED ACTION

Commissioner Kirchmann modified the last paragraph on page 7 in regard to his suggested language to read, "between or among points specified by the user, or broadcast of information of the user's choice."

Chair Alden asked for a motion.

Commissioner Scott moved and Commissioner Kirchmann seconded, to adopt the Minutes of March 17, 2004 as amended. The motion carried by 5:2 vote by the Commission with Commissioner Paul and Commissioner Whipple abstaining.

AYES: Commissioners: Scott, Kirchmann, Alden, Atchison, Lang
NOES: Commissioners: None
ABSENT: Commissioners: None
ABSTAIN: Commissioners: Paul, Whipple

PUBLIC HEARINGS

- 2. a) Public Hearing on draft implementing ordinances (Affordable Housing Ordinance and Zoning Ordinance and map amendments and resolutions (Project Selection Process and Design Guidelines). b) Planning Commission review of draft implementing ordinances and resolutions.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

AGENDA

CONSENT CALENDAR **RECOMMENDED ACTION**

- 1. Minutes of March, 17, 2004

PUBLIC HEARING

- 2. a) Public Hearing on draft implementing ordinances (Affordable Housing Ordinance and Zoning Ordinance and map amendments and resolutions (Project Selection Process and Design Guidelines). b) Planning Commission review of draft implementing ordinances and resolutions.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

COMMISSIONER DISCUSSION

- 3. Planning Commission review of draft General Plan 2020 recommendations.

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

PLEDGE OF ALLEGIANCE

Linda Jackson, Principal Planner, summarized the staff report and noted that staff had anticipated reviewing the zoning ordinance and zoning map changes to implement various programs in the General Plan, but was unable to complete and review, so the public hearing on those zoning changes would occur at a later date.

Bob Brown, Community Development Director, provided the Commission with the following information on the draft Affordable Housing Ordinance:

Inclusionary Housing

- Increased proportion of affordable units
 - 5-10 du: 10%
 - 11-20 du: 15%
 - 21+ du: 20%
- In-lieu fee for Fractional Units
- Increased period of affordable (40 years – perpetuity)

Density Bonus

- State Density Bonus requirements (project of 5+ units with 10% very-low, 20% low-income or 50% senior units)
- Alternative San Rafael policy option that 50% of bonus units affordable

Jobs/Housing Linkage

- Applies to new non-residential construction plus change of use from residential to non-residential
- Requirements based on 20% of affordable housing need created by new job creation
- Fees range by type of use from \$6.00 to \$1.50 per square-foot of new development
- Construction on-site or off-site affordable units is an alternative to fee payment

Mr. Brown also provided the Commission with a comparison of commercial/housing linkage fees for the Commission's consideration.

Commissioner Whipple asked staff to discuss the calculations in regard to the in-lieu fees. Stephanie Lovette, Economic Development Coordinator, responded that she is meeting with Marin Housing later in the week to review the language in more detail. She believed part of the problem was that they mixed rental and ownership, which she would clarify. She further noted that the edits would not be very substantial. Commissioner Whipple desired to review the language before it is forwarded to the City Council. The Commission and staff agreed.

Commissioner Kirchmann commented on Section B-1-a and asked staff to define "currently." He also suggested using the same mechanism in other places of adding brackets with the date of adoption to be inserted. Staff agreed.

Commissioner Kirchmann discussed page 78 under H-4-b and asked staff if they are talking about density bonus units, and if so, how would that integrate with the affordability of the non-bonus units. Mr. Brown responded that they must meet the base requirement between 10% to 20%. Commissioner Kirchmann suggested that staff be very clear in that regard. Staff agreed.

Commissioner Kirchmann noted confusion for Section J-1-b on page 79 and asked staff to explain. Ms. Lovette responded that staff did not desire to double hit an individual on the residential portions, but agreed to review.

Commissioner Kirchmann discussed the Table on page 80 and asked staff why they based the fee on square footage rather than room count. Mr. Brown responded that these multipliers are all based on a certain assumption regarding the in-lieu fee and it is easier to adjust all these numbers based upon that rather than modifying the first five and have the hotel a constant number. He further stated that it is possible to have a per room calculation.

Commissioner Kirchmann commented on page 79 in regard to Section J-2 and asked staff the thinking behind using all or nothing in the fractional units. Mr. Brown agreed to modify. Chair Alden agreed to make it consistent with the rest of the ordinance.

Commissioner Atchison discussed page 57 in relation to 500 dwelling units and suggested using a reasonable number such as 100 or 150 dwelling units. Mr. Brown responded that it is State law. Commissioner Atchison suggested making this section easier to understand.

Commissioner Atchison stated that in his view any individual who builds a house should pay a fee such as a flat tax. He also coupled that issue with page 79 and expressed concern for projects less than 5,000 square feet, which would not be required to pay a fee. He then discussed page 103 in regard to the Chart and noted that Marin County is higher than San Rafael, and asked staff why these numbers are so different. Ms. Lovette responded that the thought was 1 to 4 units are basically reviewed differently in the lending community and they did not desire to hit individuals with affordable housing fees. She further added that they desired to encourage those infill or redevelopment lots to turn over.

Mr. Brown discussed the commercial linkage fee and noted that they did not desire to make the process overly burdensome for small projects. He stated that at the Planning Commission level, Marin County recommended 2.5% of the justifiable limits as opposed to 20% in regard to commercial development. The County did not expect to have a great deal of commercial development in the unincorporated areas and rationalized that it would not be a serious impediment to commercial development in the County.

Commissioner Paul suggested raising the R&D number. He believed staff should consider some type of affordable housing for single-family homes and suggested a limit on square footage. He then asked staff if the impacts of requiring the inclusionary BMR's

would increase the market price units. Richard Bornholdt, Housing Consultant, responded that it would not increase the price of market rate housing because the market sets the price. He stated that with 1 or 2 units an individual is probably building more of a semi-custom product and there would be more flexibility in that situation to increase the price. He noted that he was unaware of a study that would match San Rafael because San Rafael is very unique. He further believed there is a difference between payment and calculations and applying fees to a production builder versus an individual who desired to build a few houses.

Commissioner Paul asked staff if there is a point where it becomes a disincentive to build. Mr. Brown responded in the affirmative. He added that a nexus study must be conducted to understand whether there is an affordable housing need created by the larger unit, that is not created by the smaller units or there is some public purpose for not charging the smaller unit a fee.

Chair Alden asked staff how they would compare the amount of money from the in-lieu fee to the amount of money for the programs, and would it make a difference or is it just an incremental change in the budget. Ms. Lovette responded that San Rafael adopted an inclusionary ordinance in 1988 that required developers to build on-site so there have been very few fees collected. She noted that the Redevelopment Agency is required to set aside 20% of its funds for affordable housing and it receives about \$900,000 a year from that program and that has been the money used to help acquire units. She stated that in regard to the new program it would be housing money under Mr. Brown, so to the extent that they have a reasonable amount of fees they would combine them with Redevelopment funds. She further explained that there is talk at the County level and with the Chamber of Commerce about a housing trust fund where the employers and County would be going out and trying to purchase options on sites.

Mr. Brown addressed Commissioner Paul's comments in regard to raising the R&D and explained an error in the Table. He further pointed out that on page 80 of the ordinance it did list the same fee for office or R&D.

Chair Alden pointed out that San Rafael has a substantially lower fee than the County in regard to the in-lieu fee for hotels. Mr. Brown responded that the assumption they used was 750 square feet per room including the common areas. Ms. Lovette noted that staff desired to encourage hotels because it is very good for the General Fund, and have less of a traffic impact so they must be very careful when comparing San Rafael with the County. She added that staff did not want to discourage a hotel from being built.

Commissioner Paul asked staff if there is a difference in the housing requirement generated with a mini storage versus a warehouse space. Mr. Brown responded that they are both very low density. He further added that the assumptions used in this study are very conservative.

Chair Alden discussed Section B-1-c in regard to the provision that exempts buildings destroyed by fire. He found the wording confusing and suggested adding language from

PH-143

Section J-1-e. Staff agreed.

Commissioner Kirchmann asked staff if the City would need a new nexus study to support a change in fees in the future. Mr. Brown responded that the City could continue to increase fees by an adjustment factor, if it could be justified.

Commissioner Kirchmann asked staff if they are satisfied with the proposed ordinance that if a developer proposes affordability that satisfies the State law criteria that there is no opportunity for a developer to be provided with more concessions in reliance on the State law than what the City's ordinance allows. Ms. Lovette responded that if the developer meets the requirements of State law they must provide concessions.

Chair Alden opened the public hearing on the Affordable Housing Ordinance.

Elissa Giambastiani, representing the Chamber of Commerce, provided her viewpoints on the issues and stated that studies have shown that large homes create far more trips than affordable housing. She believed there should be a method in place for developers of less than five units to pay a fee. She also agreed with the concept of charging an in-lieu fee for all, but exempt those units that are 1,200 square feet or less. She discussed density bonuses and recommended modifying the wording to state, "a density bonus shall be granted" rather than "may be." She also requested the definition of a "significant number." She expressed concern for the definition of "applicable regulations," and asked what is the bonus given. She appreciated the work staff has done on this document and agreed that if affordability could be in perpetuity then that should be done. She also noted her support for the 20% of the applicable non-residential fee affordability. She pointed out that the County is charging more because the County does not desire more commercial development and is trying to limit amount of commercial development. She suggested that on the hotel/motel section that staff not include the square-footage for the meeting facilities because those meeting facilities would not generate any jobs. In terms of what could be done with the amount of in-lieu fees collected, she noted that the Chamber would be launching the Marin County Workforce Trust on May 14th, 2004. They hope that the match could be extended to monies that the City might indicate that they could be part of the trust and that they could be held for City only projects.

Roger Roberts, 223 So. Heights Blvd., San Rafael, discussed in-lieu fees or linkage fees for commercial developments on page 80 under #3 and asked staff if that would be interpreted in the same manner by the City as the existing inclusionary ordinance. He stated that the in-lieu fees or the linkage fees are very modest in size and would not provide much and believed the commercial developer should be required to develop the affordable units.

Hugo Landecker, Gerstle Park resident, pointed out that in the end all taxpayers would pay for affordable housing. He stated that when these fees are added to the normal development fees it becomes expensive. He believed the Commission must review the fees very carefully because individuals are struggling in these times. He further agreed with the idea of having affordable housing in perpetuity.

PH-144

PH-145

There being no further public testimony on the Affordable Housing Ordinance, Chair Alden closed the public hearing and brought the matter back to the Commission for discussion and action.

Commissioner Scott expressed concern with the 1 to 2 units because not all single-family homes are built by developers. He also questioned whether a second dwelling unit becomes a single-family unit. He believed the Commission should leave it at the 4 or 5 level and not go below that figure. He further noted that he has trouble rationalizing that a big house has that much more job creation and did not believe size is that big of an issue. Mr. Brown recommended exempting second units.

Commissioner Paul believed the threshold is detached versus attached. He added that 2 to 4 units, if attached would provide a certain amount of affordability, but when detached in a 2 to 4 lot subdivision they can be quite expensive. He added that there are very few homes built out of a small nature in San Rafael, but if they were exempted below a certain size it might be appropriate. He also assumed there would be an exemption process if there was an individual who desired to build a slightly larger home, but where it would not be fair to extract the in-lieu fee. He felt most single-family homes are fairly expensive to construct and it seemed there could be a nexus that all could generate traffic and the additional need with affordable housing. He further believed a regulation could be crafted that had limited exemptions of an in-lieu fee.

Commissioner Atchison believed they could craft an ordinance that would allow the City to collect an in-lieu fee for 1 to 4 units, which in his view would benefit the community with some very specific exemptions for the City Council to review.

Commissioner Kirchmann agreed that it is the responsibility of the entire community to generate some affordable housing. He also agreed with the idea of imposing the fee all the way down to one unit and exempting out second units, but believed the number should be around 1,600 to 1,800 square feet. He further added that part of his justification his mind for exempting out comparatively smaller homes is that they would be comparatively more affordable than the considerably larger homes. Commissioner Lang agreed with Commissioner Kirchmann's comments that there should be a limit.

Commissioner Whipple agreed that the fee should be charged from the beginning and that there should be exemptions, but the exemptions should relate to workforce housing such as 1 to 4 attached dwellings as well as second units.

Chair Alden asked for a motion.

Chair Alden moved and Commissioner Lang seconded, to delete the language under Section B-1 on page 75 that stated, "involving five or more units" and add to the list of exemptions below Subsections D, E and F as follows:

- **D – A Project of less than five units or all the units apart of a single structure;**

- **E – For a single-family residential project of less than five units if each unit is less than 1,800 square feet; and**
- **F – Second units.**

Commissioner Kirchmann suggested deleting the phrase, "single-family" from proposed Subsection "E" because if an individual desired to construct a pair of duplexes that are both small they should be exempt as well.

Chair Alden agreed to amend Subsection "E" to read, "a project of less than five units if each unit is less than 1,800 square feet. Commissioner Lang agreed with the amendment.

Commissioner Paul expressed concern with the 1,800 square feet and recommended 1,500 square feet to have an average between a rental and ownership type unit. He believed they should exempt the small units in the attached building regardless if they are rentals or owned because by their own nature they would be affordable.

Commissioner Whipple requested that staff come back with additional information in order to inform the Commission what 20% under median square-footage would be. Chair Alden amended the motion to keep a placeholder of 1,800, with direction to staff to provide the Commission with some statistics of median square-footage to figure out what 80% of median would be. The Commission and staff agreed.

Chair Alden asked the Commission if further discussion is needed. The Commission had nothing further.

Commissioner Atchison stated that as a point of order they must vote on whether or not they would vote on the question first, which allows them to vote on the previous motion. He further noted that there must be two votes.

The motion carried by a 5:2 vote with Commissioner Scott opposed and Commissioner Atchison abstaining.

AYES: Commissioners: Alden, Lang, Kirchmann Paul, Whipple
NOES: Commissioners: Scott
ABSENT: Commissioners: None
ABSTAIN: Commissioners: Atchison

Commissioner Whipple discussed Section H-2-a and asked staff if they are subsidizing the developer rather than helping the project. Mr. Brown responded that this is the City's way of offsetting the in-lieu fee that the developer is charged. Commissioner Whipple stated that as a matter of policy, he is opposed and believed this should only be applied where it makes the difference between feasible and infeasible. Mr. Brown responded that this is based on the Council's current fee waiver resolution. Commissioner Whipple asked the dollar amount of the fees. Mr. Brown responded that they could be in the few thousand dollars per unit range. Commissioner Whipple explained that if the in-lieu fee is, for example, \$150,000 a unit, then the in-lieu fee for a one unit would be

\$30,000. He further suggested deleting the entire section because the City Council could always waive the fee if so desired. Commissioner Paul suggested stating, "the fees may be waived for affordable units over and above the minimum required by the ordinance." Commissioner Kirchmann suggested incorporating the language into Section "B" where it is more clearly in the discretion of the City Council.

Ms. Lovette pointed out that they have been successful with the Affordable Housing Ordinance to date because there are enough incentives in the ordinance to keep the City from being sued. She added that according to the City Attorney there is a balance between being able to charge these exactions and the courts review that balance in terms of what is required of the developer and what is being provided to the developer as an incentive to conduct the work. She pointed out that two sides of the equation must match. She further added that this is one area where the City Council may decide, if requested, to waive the fees for affordable units.

Chair Alden suggested having Section 2-a state, "the Council may waive Planning and Building Permit Application fees upon request for the affordable units based on the proportion of the total units in the development project where there is a finding necessary to make the project feasible." Mr. Brown discussed "Regulatory Incentives" and stated that it is difficult because it is a relatively insignificant amount of money. Ms. Lovette noted that the Economic Development Department often has to pay those fees to the Community Development Department for affordable housing. Mr. Brown agreed to come back with a proposal in regard to a feasibility clause.

Commissioner Kirchmann supported Mr. Robert's comments in regard to Section J-3 about encouraging construction of units on-site. He also asked whether they should exclude the meeting facilities from the area calculation for hotels. He felt the meeting facilities should either be excluded or treated the same as hotel rooms. Commissioner Scott agreed to treat the meeting facilities at the same rate as the hotel rooms. Chair Alden suggested having the meeting space within the hotel for the purposes of this in-lieu calculation be treated the same way as the rooms themselves.

Commissioner Scott suggested removing median rooms from the Table on page 80, which is footnote #3. The Commission and staff agreed.

Commissioner Kirchmann discussed Section H-4 in regard to inserting "shall" rather than "may". He believed "shall" is appropriate in regard to these density bonuses and believed flexibility should be preserved. Mr. Brown stated that the wording in State law provides an out, but he did not believe there is much discretion in terms of granting a density bonus. He further noted that he would discuss the matter with the City Attorney and report back to the Commission at the next meeting.

Chair Alden stated that as a general matter, he found that most of San Rafael's square-footage rates identified in Exhibit 9 in comparing rates to other communities are somewhat lower. He believed they could have a higher fee and still come out ahead. Ms. Lovette responded that she reviewed the retail rates in commission to rental rates in the

rest of Marin County. They are lower because their spaces are larger and San Rafael is not perceived as being competitive with their surrounding neighbors in regard to rental rate for commercial development.

Chair Alden recommended a slightly higher rate on the hotel. Commissioner Whipple agreed if there would be no impact on obtaining a hotel, but he is not convinced and did not want to jeopardize the occupancy tax.

Chair Alden noted for the record that some of the items could be higher. Mr. Brown responded that he would review to make sure that the other assumptions in the study and up with this multiplier in order to be accurate. Chair Alden also believed that if the County had gone to 20% that San Rafael should do the same.

Chair Alden announced at 9:05 p.m. that a recess would be taken and then the Commission would continue their discussion on the implementing ordinances.

Ms. Jackson summarized the staff report on the Project Selection Process (PSP) for the Commission's consideration. She also provided the Commission with an evaluation form for their review.

Commissioner Scott asked staff to define a "circulation impact override." Ms. Jackson responded that it meant if a significant impact were identified through the EIR process and a statement of overriding considerations would be needed for approval of the project.

Commissioner Whipple stated that he is trying to distinguish between NCF and NCU in order to be able to quantify that per trip from the Table provided. Ms. Jackson responded that part of this analysis is to keep the qualitative aspect that currently exists in PPP. Commissioner Whipple suggested making the worksheet an attachment to the resolution. Ms. Jackson responded that staff's hope is that in order to streamline the process this would be adopted once by the City Council and the criteria form would be modified over time, so staff would not be required to go back before the City Council every year with a new resolution to start the PSP program.

Commissioner Scott asked staff if the intention is to revise the priority list of facilities and uses each year or each couple of years. Ms. Jackson responded that the current list has not been changed since it was first initiated in 1988 and they would not change radically year-to-year, but might be modified over time.

Chair Alden discussed page 119 and pointed out that for some of the items have no gradations, so it is all or nothing and asked staff why not divide it down. Ms. Jackson responded that in terms of circulation, it is either an acceptable level or not. Chair Alden believed the "all or nothing" approach is really whether there is mitigation or not and recommended different levels of circulation impact. Commissioner Kirchmann pointed out that under Policy C-5 there is the discretionary possibility of being granted entitlements even if the level of service standards are violated.

Commissioner Paul commented on public benefits and believed there should be some gray areas to provide more balance between the public benefits and the circulation evaluation.

Commissioner Atchison discussed page 115 and felt more consideration should be given to provide a mechanism for the same use such as a size threshold.

Commissioner Whipple asked staff if "merits" of the project is a defined term. Mr. Brown suggested using the term, "*planning entitlements*." Commissioner Whipple asked staff why the PSP was restricted to one application per building site. Ms. Jackson agreed to review with Paul Jensen on the background of this statement and report back to the Commission.

Commissioner Whipple discussed Section 1.1 and asked staff to explain. He felt uncomfortable that it might be eliminating further improvements that are desired. Ms. Jackson agreed to discuss the matter with the City's legal advisors.

Chair Alden discussed Section 1.1 under "C" and clarified that what is indicated is a project in which all the units are deed restricted affordable units. Ms. Jackson responded in the affirmative.

Commissioner Whipple discussed page 117 and asked staff to explain the term "*unacceptable project entitlements*." Ms. Jackson responded that she would modify the word, "*unacceptable*."

Chair Alden opened the public hearing on the Project Selection Process.

Roger Roberts, 223 So. Heights Blvd., San Rafael, expressed concern from reviewing the manner in which is constructed. There are six categories of benefit and in each of the categories the best is four points, and each of the six categories is given four points, which did not imply any priority between these choices. He stated that if they are really serious about affordable housing and serious about solving circulation that maybe those elements should get six points rather than four points. He further asked the Commission to consider whether each of these categories should carry equal weight.

There being no further public testimony on the PSP, Chair Alden closed the public hearing and brought the matter back to the Commission for discussion.

Chair Alden noted that the Commission and Council are not necessarily required to select a project that has the highest score. Ms. Jackson responded in the affirmative. Chair Alden suggested setting affordable housing at a higher percentage such as 30% with circulation at 30% and the others much lower. Commissioner Paul suggested establishing some project scenarios. Commissioner Kirchmann pointed out to the Commission that the review criteria is not part of the proposed ordinance. Commissioner Paul questioned whether the 60/30 split is the proper split.

Chair Alden asked the Commission if they should delegate the calculation decision to the Planning Director or should the Planning Commission have more influence. Commissioner Paul believed the Commission should have more influence.

Commissioner Kirchmann stated that in the past the Commission has had zero input and in all the years they had been operating with PPP, staff developed the criteria, presented it to the Commission and then the Commission would make a recommendation. He further agreed to review staff's criteria.

Commissioner Whipple believed the mechanics of arriving at the four points should be left to staff. He indicated that if they reworked the chart to change the weighing of the criteria the Commission would not be so concerned.

Mr. Brown noted that staff desired to avoid having to go to the City Council each time staff initiates this process, but if the notion is to have the City Council approve the initial criteria and approve every time staff desired a suggested change, he did not object. Commissioner Lang agreed to have the City Council adopt the evaluation criteria and scoring in order to provide the applicants a clear direction, but believed further review is needed.

Commissioner Paul believed that as a Commission, they should provide some direction as to what they would consider as a proper allocation of these items. He then suggested using the following numbers: 40% Public Benefit, 40% Circulation, and 20% Project Readiness. Commissioner Lang concurred.

Ms. Jackson suggested establishing a Subcommittee to work with staff to plug the formulas into the Excel spreadsheet in order to run examples to receive the changes the Commission so desired. The Commission agreed. Chair Alden appointed Commissioner Lang, Commissioner Paul and Commissioner Whipple to serve on the Subcommittee with staff in order to resolve the issues.

Commissioner Atchison desired a one-time recommendation to the City Council that would make sense rather than going back every year. Commissioner Scott concurred.

Chair Alden indicated that there is consensus by majority that there should be some specificity that a recommendation go before the City Council once and believed the Subcommittee would be beneficial.

Chair Alden asked the Subcommittee to review having more gradations in circulation impacts and project readiness. Commissioner Whipple asked staff to distinguish quantifiable and non-quantifiable between NCU and NCF.

Commissioner Kirchmann discussed Section 3 and suggested revising the description of the trigger criteria. He also commented on page 118 under the "Review Criteria" and believed there should be some flexibility to adjust independently of any annual review of the General Plan. He expressed concern that the process as established might not function

properly when comparing a small project out in the West End against a comparatively large project out in East San Rafael. Commissioner Atchison believed this might be an opportunity for the Commission to be more realistic with their approach.

Chair Alden suggested continuing the discussion on the Design Guidelines to a later date due to the late hour and discuss scheduling of future meetings.

Ms. Jackson announced that staff has received 144 letters including a 27 page letter from a firm representing CYO St. Vincent's property owners, so staff would need more than a three week turnaround in order to provide the Commission with resolutions of recommendation for the City Council. She then suggested canceling the April 21st, 2004 Special Planning Commission meeting and recommended having two meetings in May with a chance to finish review in June. She further believed Planning Commission adoption of the resolutions would occur in July and then the City Council would start their review in September after the August vacation season.

Chair Alden summarized the remaining tasks of the Planning Commission as follows: initial conversation and public hearing on the Design Guidelines; complete the Planning Commission's discussion on the Neighborhood Element; discuss Economic Vitality and Community Design; and bring back Affordable Housing and PSP to the Commission.

The Commission agreed to cancel the April 21st, 2004 Special Planning Commission meeting.

Chair Alden announced that the Commission would have a meeting on April 27th, 2004 to discuss Design Guidelines, Neighborhood Element, Economic Vitality and Community Design Elements. The Commission and staff agreed.

Ms. Jackson added that staff received a number of comments from the public that they must review and it would be helpful to have more time to sort out the comments and work out the responses whether it is a recommendation or clarification. She further noted that she will check with Kristie Wheeler in regard to scheduling the future meetings.

Commissioner Kirchmann desired to view the final EIR before making final recommendations on the merits. Ms. Jackson responded that the Final EIR, the Resolution of recommending certification of the EIR to the City Council and the Plan will be available before the Commission's recommended changes and adoption of the General Plan.

Chair Alden announced that the next regularly scheduled Planning Commission meeting is on April 13th, 2004.

COMMISSION DISCUSSION

3. Planning Commission review of draft General Plan 2020 recommendations.

This item was continued to a later date due to the late hour.

DIRECTOR'S REPORT

There were no comments.

COMMISSION COMMUNICATIONS

There were no Commission Communications.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 10:57 p.m.

Respectfully submitted,

Jessica Woods

**MINUTES REGULAR MEETING
SAN RAFAEL PLANNING COMMISSION
April 27, 2004**

ROLL

Commissioners Present: Alden, Atchison, Kirchmann, Lang,
Paul (*arrived at 7:15 p.m.*), Scott, Whipple
Commissioners Absent: None
Community Development: Bob Brown, Community Development Director;
Linda Jackson, Principal Planner;
Evelyn Buchwitz, Contract Assistant Planner
Tiffany Wright, Legal Counsel

UNAPPROVED

AGENDA

CONSENT CALENDAR

1. Minutes of March 23, 2004 and March 30, 2004

RECOMMENDED ACTION

PUBLIC HEARING

2. a) Public Hearing on draft Design Guidelines). b) Planning Commission completion of review of Neighborhoods, Community Design and Economic Vitality.
Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

DIRECTOR'S REPORT

COMMISSION COMMUNICATIONS

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

AYES: Commissioners: Alden, Atchison, Kirchmann,

NOES: Commissioners: Lang, Scott, Whipple
ABSENT: Commissioners: None
Paul

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Alden explained for the benefit of the audience the Public Hearing procedures to be followed.

URGENT COMMUNICATIONS

There were none.

CONSENT CALENDAR

RECOMMENDED ACTION

1. Minutes of March 23, 2004 and March 30, 2004

Chair Alden corrected the March 30, 2004 minutes by deleting the third paragraph from the bottom of page 12.

Chair Alden asked for a motion.

Commissioner Scott moved and Commissioner Lang seconded, to adopt the Minutes of March 23, 2004 as presented and March 30, 2004 as amended. The motion carried by unanimous vote by the Commission.

AYES: Commissioners: Scott, Lang, Alden, Atchison, Kirchmann,

Whipple

NOES: Commissioners: None

ABSENT: Commissioners: Paul

ABSTAIN: Commissioners: None

PUBLIC HEARINGS

2. a) Public Hearing on draft Design Guidelines). b) Planning Commission completion of review of Neighborhoods, Community Design and Economic Vitality.

Environmental Review: Environmental Impact Report
Project Planner: Linda Jackson

Linda Jackson, Principal Planner, summarized the staff report and recommended that the Commission hold a public hearing on the draft Design Guidelines, and provide direction to staff on the draft guidelines; and complete the initial review of the Draft General Plan 2020 Neighborhoods, Community Design and Economic Vitality Elements.

Chair Alden announced to the public that it is important to understand that this is an

interim set of Design Guidelines that would probably be in place for about a year or two until the City could move forward to the public process to create a set of community approved Design Guidelines.

Chair Alden opened the public hearing on the draft Design Guidelines.

TyMBER CAVASIAN, 22 Bayview St., San Rafael, believed the Introduction section of the Design Guidelines should indicate that these are interim Design Guidelines and that a community process with more detail would be forthcoming. She pointed out that the document did not adequately address when there are two adjacent contrary neighborhoods, such as one non-residential and residential, that come together, particularly, in the Downtown. She discussed the Historically Architecturally Significant section that seemed to specifically call out "downtown buildings," but there are a few other neighborhoods in San Rafael that have a predominate historical housing inventory, so she suggested stating, "*downtown and neighborhoods*." She further expressed concern for who, when and how the guidelines are applied, whether they are designed for planning staff and the Design Review Board in order to have consistency.

HUGO LANDECKER, 127 San Rafael Ave., San Rafael, expressed concern for the Second and Third Street corridor in relation to high-rise buildings. He believed it is important that new buildings fit into existing uses. He also requested that the Design Guidelines stand on its own throughout the City of San Rafael. He further agreed with the second bullet point on page 11 that stated, "*new buildings, additions or major remodels in the vicinity of buildings on the survey should respect the pattern, scale and design of the older buildings*."

Commissioner Paul joined the Planning Commission meeting at 7:15 p.m.

There being no further public testimony on the draft Design Guidelines, Chair Alden closed the public hearing and brought the matter back to the Commission for discussion.

BOB BROWN, Community Development Director, pointed out, given the zoning regulations throughout the Downtown, that unless a building is a landmark structure, the assumption is that it could be redeveloped. He stated that expecting there would be a difference in architectural styles and size of structure that may remain for awhile, the new building must provide some semblance of respect for the smaller, older structure such as having similar floor heights and setbacks in order to have some acknowledgement of the adjacent buildings.

Commissioner Paul agreed with the idea of respecting the old structures while bringing in new structures. He further added that the idea is not to mimic, but to respect what is currently present.

Commissioner Whipple expressed concern for the long-term development of the City. Commissioner Kirchmann noted that the Design Guidelines are not fixed rules, so in a particular situation it is still possible to step outside the guidelines.

Commissioner Whipple discussed page 3 and asked Mr. Brown to explain the purpose of entrances facing the street. Mr. Brown responded that the intent is to create a residential appearance and friendly structure on the street in terms of design. He also added that by providing visibility of a residence onto the street there would be increased security in that area as well as a more pleasing appeal for pedestrians passing by, and less criminal activity occurring.

Commissioner Whipple commented on page 5 in relation to non/residential guidelines and vehicles backing onto streets. He believed encouraging individuals not to back their cars into a main thoroughfare would be a worthwhile addition to the residential guidelines. Mr. Brown responded that 41 Valencia is a great example in that regard. Ms. Jackson agreed to add that statement into the residential section.

Commissioner Lang requested that landscaping be a critical part of the Design Guidelines for residential and non/residential such as maximizing the landscaping and natural environment by establishing the appropriate language to accomplish that goal. Ms. Jackson agreed to work with Commissioner Lang and a member of the Design Review Board in that regard.

Commissioner Scott expressed concern for page 6 in regard to the third bullet from the top and believed it adds a qualifier that should be addressed. Commissioner Whipple suggested adding the words, "*even when*." Commissioner Scott agreed.

Commissioner Kirchmann asked Mr. Brown what is intended on page 7 in relation to tower dimensions. He also believed additional graphics would be beneficial. Mr. Brown responded that when the permanent Design Guidelines are established there would be additional graphics. He further explained that this section is discussing what is typically a visually comfortable proportioned tower, but suggested removing the fourth bullet about height. The Commission agreed.

Commissioner Kirchmann commented on page 5 under the sixth bullet in relation to parking lots being screened and suggested adding language to state, "*consistent with or subject to security considerations*."

Commissioner Paul believed the addition of graphics would be beneficial. He also suggested adding language in regard to lighting because it has become an issue as projects progress through the design stages, this could have a major impact as a design element.

Chair Alden agreed with Ms. Cavasian's suggestion of adding language to the Introduction section indicating that this is an interim document. He also agreed that the Historic and Architecturally Significant Buildings section should be clear that it is not just referring to the Downtown.

Commissioner Kirchmann pointed out that there are three sections including residential,

non-residential and downtown and when a portion of one is intended to apply to the other there should be a cross-reference. Staff agreed.

Commissioner Kirchmann suggested providing for transitions from one neighborhood to another. Mr. Brown responded that it is a very sensitive issue that would require a great deal of thought and discussion that would occur with the permanent guidelines rather than the interim guidelines. Commissioner Whipple believed an acknowledgment for special transitions should be included.

Chair Alden announced that the Commission would next complete its review of Neighborhoods, Community Design and Economic Vitality Elements.

Neighborhoods

NH-122

Chair Alden asked Ms. Jackson to explain the current ownership between East and West Marin Islands. Ms. Jackson responded that State recently purchased the islands. She added that East Marin Island is a larger island than West Marin. She also noted that East Marin Island has a few structures and if those buildings were developed or used it should be done in a manner not to affect the habitat value.

NH-134a

Commissioner Whipple asked Ms. Jackson to explain the parking survey. Ms. Jackson responded that the survey is setting forth items to be reviewed. Mr. Brown added that NH-134a is an implementing measure that was left over from the Montecity/Happy Valley Neighborhood Plan that was never accomplished and the policy would be applied when reviewing new developments. Commissioner Paul suggested adding language to state, "*adequate parking off-street*." Staff agreed. Commissioner Scott suggested deleting the following reference: "*west of Union Street*." Staff agreed.

Chair Alden commented on page 113 in relation to the Daphne Site as being zoned for single-family residential and believed it is zoned such that assisted living would also be acceptable. Mr. Brown responded that he is uncertain about the County's zoning of that site, but agreed to investigate. Chair Alden believed the Vision text box should be consistent. Staff agreed. Chair Alden also discussed the second sentence on page 13 related to the County of Marin processing the development applications for the site and felt it would be beneficial to include language about their interest and monitoring of how that process would work. Staff agreed.

NH-139

Ms. Jackson noted that the Commission agreed with the Steering Committee's recommendation of two stories in the North San Rafael Town Center area, so staff would make this statement consistent. The Commission agreed.

NH-147 (Rock Quarry)

Commissioner Atchison discussed paragraph "A" in relation to the Reclamation Plan and

suggested removing the second sentence. Mr. Brown explained that a lot would be determined in the next two years both in terms of the County establishing operational conditions for the Quarry and revisions to the Reclamation Plan would have an impact on the Quarry as well.

Chair Alden believed the current language suggests that the City would prefer that the Quarry and Brickyard remain through 2020. Mr. Brown pointed out that a sentence is included in the Plan stating, "*In the interim, minimize Quarry impacts and that staff has proposed a revision to this policy.*"

Commissioner Lang suggested stating what they currently know, which is that the existing operations are assumed to continue and during the term of the plan that may change, but the owners of those facilities did not plan to close rather than stating an expectation. Commissioner Paul suggested using the phrase, "*might continue to 2020.*"

Chair Alden agreed with Commissioner Lang's approach and believed language should be added to the first sentence stating, "*Future use of this site is uncertain, the current Reclamation Plan calls for continued use of the Quarry and Brickyard through 2020.*" Staff noted the quarry has indicated its intentions to continue operations through 2020, and agreed to work on revised language to reflect the Commission's concerns.

NH-152

Commissioner Kirchmann suggested adding a cross-reference to the Civic Center's transit-oriented design policy, so it is not connected to only SMART Rail. Staff agreed.

Chair Alden clarified that NH-152 is the general policy and program "A" is the action taken to accomplish the policy. One is the direction and the other is the specific act to accomplish the direction. Ms. Jackson responded in the affirmative. She also agreed to review the policy statement. Commissioner Paul believed the policy should "promote, if feasible" and the program should state "Consider the amendment...."

NH-153 (Airport)

Ms. Jackson noted that staff is reviewing a specific airport land use designation for this site for allowed uses such as Airport/Recreation.

NH-158

Ms. Jackson pointed out that this policy item had been carried over from the previous Plan. Chair Alden assumed that LAFCO would review the cost benefit analysis. Mr. Brown affirmed that LAFCO would review the efficiency and sensibility of City service provisions.

Chair Alden pointed out that he has no idea whether it is a good or bad idea for the City to annex the cemetery because in his view there would be no benefit. Mr. Brown believed it is worthwhile to review, but there is no guarantee that the City of San Rafael, the County or LAFCO would conclude that this would make sense. Chair Alden suggested stating, "*consider*" annexation. The Commission and staff agreed.

NH-162
Ms. Jackson pointed out that this item was carried over from the previous Plan as well and must be further studied.

NH-171 (Miracle Mile)
Commissioner Whipple expressed concern for the word "*upgrade*." Mr. Brown responded that staff viewed this area as being ideal for some redevelopment, but it is very challenging due to the very limited lot depth. Ms. Jackson discussed the example of the upgrades to the Golden Nugget building and mitigated the policy be amended to note better parking, landscaping improvements and more attractive buildings

Community Design

CD-1e
Commissioner Lang noted that she is in the process of crafting language in relation to maximizing landscaping as a design element.

CD-3
Commissioner Kirchmann believed it would be appropriate to expand the language to include additions and remodels as well. Mr. Brown expressed concern for the application of the design review process to all residential modifications because at the present time the design review process applies to new homes or second story additions. Commissioner Paul suggested stating, "*to promote or encourage.*"

Commissioner Kirchmann stated that in terms of the policy of having the architecture be compatible with the context that it should apply to additions and remodels as well as new structures. He further desired it to be applied to the overall process. Commissioner Atchison believed the current language would not address radical changes to the character of a neighborhood. Mr. Brown responded that if it is the intent of the Commission to consider having a policy that speaks to additions and remodels being compatible with the surroundings, then they must work that into a process because there is no point to have a policy that City staff has no manner to enforce. He explained that they are proposing to take a program, what is currently CD-3c, and broadening that, or adding a separate program, to speak to considering changing the design review process to address additions and remodels.

Commissioner Paul pointed out that homes could be respected without mimicking an existing home. He suggested changing the language to state, "*respect and encourage*" in order to allow some flexibility. Chair Alden suggested stating, "*develop programs to encourage and respect the context of the existing neighborhoods.*" Commissioner Paul agreed.

Chair Alden asked the Commission if they desired to implement some kind of design review process for remodels. Commissioner Paul questioned how much of a structure could be remodeled without changing the actual structure and suggested establishing a threshold. Commissioner Kirchmann suggested modifying the implementing program so

that in the course of developing the residential development standards that it would include appropriate exceptions and the detail of where to draw the line would be part of the implementation. Commissioner Atchison agreed. Commissioner Scott believed major remodels should have some kind of design review input but not necessarily at the DRB level. Ms. Jackson pointed out that a comprehensive set of Design Guidelines would make a significant difference.

Commissioner Kirchmann assumed it is possible administratively to include enough in the building permit fee to cover the cost of Community Development Department staff to provide staff level review. Mr. Brown responded that it is not a function of the building permit process, so they must create the ability to have discretionary planning approval for some threshold of projects. He also noted that in the future, staff would be reviewing some form of administrative review process for all buildings short of a second story addition or brand new structure that might include some lower threshold, but they would all be subject to an administrative review over-the-counter. He further stated that if certain criteria or guidelines are not met, then the application would be forwarded to the Design Review Board. Chair Alden believed some administrative process should be established.

CD-3b
Commissioner Whipple suggested adding the conditions previously discussed such as size, setback, height, location, parking, landscaping, and design impact. Staff agreed.

CD-5
Chair Alden noted that there was a conflict with the Steering Committee with respect to views from the Bay. Commissioner Paul pointed out that the term "*preserve*" would be open to interpretation and suggested stating, "*respect.*" Commissioner Kirchmann questioned the phrase "*where desirable.*" Chair Alden suggested stating, "*where practicable or feasible.*" Mr. Brown suggested stating, "*to the extent feasible.*"

Commissioner Kirchmann discussed the San Rafael church's bell tower and believed there might be other vantage points from public streets where the bell tower is prominent and where the view should be preserved. He further recommended stating, "*from public streets, parks and public access areas.*" Mr. Brown responded that staff must study this section in more detail.

Commissioner Atchison suggested combining the following words:
"*preserve/enhance/respect.*"

Commissioner Lang agreed with the examples, but not the language. She suggested stating, "*identify and evaluate impacts on views from the Bay*" rather than "*preserve and enhance where desirable.*" Commissioner Kirchmann suggested stating, "*preserve and enhance views to the greatest extent possible.*" The Commission and staff agreed.

CD-16a

Ms. Jackson pointed out that this section must reflect the new noticing procedures.

Commissioner Kirchmann recommended incorporating the old G-7a. Staff agreed.

CD- 20c

Chair Alden expressed concern for how property owners would maintain street trees. He then noted that Public Works is in the process of providing the Commission with a proposal in that regard. Ms. Jackson responded that staff's recommendation is to delete the second sentence. The Commission agreed.

CD-23

Commissioner Kirchmann requested that the screening be consistent with security considerations. Commissioner Lang suggested adding CD-23b that talked about enhancing existing parking lot landscaping to read, "*work with owners of existing large parking lots to improve existing parking lot landscaping by inspecting sites and advising owners on economical improvements.*" Chair Alden agreed with the idea, but questioned the City's ability to fund that proposal.

Commissioner Lang provided the Commission with draft language of CD-1e for their review as follows: "*Landscaping Improvement – Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.*" The Commission and staff agreed.

Economic Vitality

EV-2b

Commissioner Whipple asked Mr. Brown if City staff has experience in this regard. Mr. Brown responded in the affirmative. He explained that staff would develop a list of properties that have low value improvements to the amount of site area. Commissioner Paul believed it is a very proactive approach by the Planning Department and noted his support. He further suggested establishing an implementing program that would provide an incentive for the property owner to redevelop the property if there is a higher and better use in terms of a reduction in fees.

EV-4

Commissioner Lang stated that the Economic Vision on page 144 has better language than EV-4. She then suggested expanding this section, so that some of the concepts from the Economic Vision is incorporated into EV-4. Mr. Brown responded that EV-4 is intended to be what staff would analyze in staff reports that would be forwarded to the Planning Commission and the City Council. He also pointed out that the City Manager had concerns for this section. He further explained that this section would review the economic impacts of a project.

Commissioner Atchison expressed concern for the phrase, "*high paying jobs*" and suggested stating, "*appropriate employment matrix.*" Commissioner Kirchmann suggested deleting the words "*high paying.*" Commissioner Paul agreed. Staff agreed to

review in more detail.

EV-7

Chair Alden discussed environmentally friendly business practices and noted that several members of the public pointed out that the County's General Plan is much more detailed and specific than San Rafael and desired San Rafael's Plan to coordinate with the County's Plan as much as possible. Ms. Jackson responded that the City had invited County staff to review San Rafael's draft Plan about a year ago while the Plan was being developed and a number of the polices were added as a direct result of that review.

Commissioner Scott suggested including a footnote in regard to referring to the County's programs. Mr. Brown responded that staff would review all the individual letters, and if there is some specificity, staff would discuss that aspect with County staff.

EV-10a

Commissioner Kirchmann discussed the last clause on page 150 and felt it would be appropriate to delete the words, "*religious and non-profit.*" Staff agreed.

Page 144

Commissioner Paul discussed "*sustainability*" and believed some sort of global statement should be added to the document. Ms. Jackson responded that the Steering Committee and Commission at the beginning of the planning process reviewed several planning approaches: livability, smart growth and Sustainability could be added to page 12 in relation to discussions about different planning philosophies that were reviewed. Commissioner Atchison agreed and pointed out that sustainability and livability are quite compatible.

Chair Alden discussed page 120 in more detail related to the Quarry and believed a corresponding edit should be added in regard to NH-147 to the second sentence in the text box where it talked about the "*Vision of Peacock Gap.*" He also expressed concern for the third sentence in the box related to the property being annexed to the City. Mr. Brown responded that the statement should be left more discretionary and less certain until an analysis is provided in order to make an intelligent decision.

Chair Alden believed some of the remaining language in the same box made some assumptions based on what is included in the Reclamation Plan at the present time. He believed the very last sentence accurately states what is currently in the Reclamation Plan and that would make sense to annex because the level of development is high and annexation would allow City control. He further suggested making the language clear that this is a project that is in flux and future planning would be contingent upon what is in the approved Reclamation Plan. Commissioner Lang pointed out that whatever might happen with the Quarry may not really be the vision of Peacock Gap. It may be overly emphasizing the Quarry to add it to the "*Vision Box.*" She further believed it would be more appropriate to describe the Park and China Camp in order to understand what is occurring at the present time.

Chair Alden felt that the language about having to continue to monitor the new Reclamation Plan in order to determine whether annexation made sense is an important clause to include under NH-147. Commissioner Scott added that if the Commission is referring to the existing Plan they must include a date in order to understand which Plan is being discussed.

Commissioner Paul pointed out that the box related to "Rafael Meadows" should come before the box related to "Peacock Gap." Staff agreed.

Chair Alden discussed how the EIR is addressing the issue of the Quarry and noted that he misspoke earlier because his understanding is that the current Reclamation Plan calls for the Quarry to terminate operations. Mr. Brown responded that it must be investigated in that regard because he believed it was assumed. He further stated that based on earlier comments, staff would re-examine the entire issue.

Chair Alden believed the City Attorney must review the Quarry operations in regard to assumptions. Mr. Brown pointed out that the Reclamation Plan that the County is considering would require an EIR and a significant public process. Chair Alden stated that the assumptions in his mind are not valid and the EIR must reflect that fact. Mr. Brown agreed to discuss the issue with the City Attorney.

Chair Alden requested that staff ask the City Attorney if the current EIR made assumptions about the Quarry that are based on the current Reclamation Plan, and if not, what is the basis for the assumption that the EIR made and is that a reason why the EIR could be challenged. He then asked that if that is the assumption, what basis could be shown in the EIR that would support the analysis of the EIR. Commissioner Lang disagreed with Chair Alden's comments. She believed the facts speak for themselves because the owners of the property have no announced intention of making any changes to the use of that property unless or until such plans are put forward. She further believed the Commission is in no position to speculate about what could occur. Chair Alden stated that there must be a factual basis to base that assumption other than hearsay.

Commissioner Kirchmann pointed out that the proposed General Plan has a land use designation of mineral resources and conservation for this site. This would be implemented in the zoning ordinances and the pre-zoning of this site would be consistent with that land use designation. The City's regulations to the extent this property is ever annexed to the City, would limit the use to what is essentially the existing use. He also stated that if at some point that mineral resource use is no longer viable it would be appropriate for the property owner to seek a General Plan amendment to annex to the City rather than dictating the situation. He then pointed out that there is a certain tension between the fact that this Plan assumes that the Quarry continues current operations throughout the life of the Plan and then at the same time it indicates how the City would dictate or impose parameters on the redevelopment if it happens during the Plan. Mr. Brown responded that staff would further review.

DIRECTOR'S REPORT

Mr. Brown reported to the Commission that the Grange Hotel is moving forward and staff has received a full submittal for their foundation permit as well as the operating/franchise agreement from Hampton Inn. He stated that it seems more likely than not that they would move along far enough by June 2nd to vest their PPP. He also noted that staff is expecting an application from the San Rafael Airport that would have a recreational building containing a couple of indoor soccer fields and a baseball facility, which is consistent with the deed restrictions as well as near McInnis Park. He noted that staff started discussions today with the County regarding the Quarry and the proposed operating conditions. He indicated that there are two large projects coming forward that involve the Cameros/Ducca Subdivision. Staff is hoping to have a neighborhood meeting in late May or early June as well as have a neighborhood meeting in late May for Loch Lomond and the EIR scoping hearing before the Planning Commission in late June. He further explained that it would depend upon the applicant providing enough design drawings including some photomontage work to depict the views of the site along with preliminary results from their traffic analysis.

COMMISSION COMMUNICATIONS

Chair Alden announced that the next meeting would be a regularly scheduled meeting to be held on May 11th, 2004 starting at 7:30 p.m. He also noted that on Wednesday, May 19th there would be a Special Planning Commission meeting to discuss General Plan issues as well as a meeting on Tuesday, May 25th, 2004, and that these would start at 7:00 p.m.

Ms. Jackson noted that on May 19th the Commission would review the proposed Zoning Ordinance amendments, and if there is enough time, the Commission could review the Affordable Housing Ordinance, the PSP Resolution and possibly the Design Guidelines edits or they could be reviewed at a later date. The Commission agreed to review the Affordable Housing Ordinance, the PSP Resolution and the Design Guidelines edits at a later date. Ms. Jackson agreed.

Commissioner Paul announced to the Commission and staff that he would be out-of-town from June 9th - 24th.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED AT 10:01 p.m.

Respectfully submitted,

Jessica Woods

RESPONSE TO COMMENTS FROM THE HEARING OF JANUARY 13, 2004.

Response to Comment PH-1

See Response to Comment 33-1.

Response to Comment PH-2

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under SAFETY ELEMENT, “S-23a (Restorative Justice Program)”.

Response to Comment PH-3

Comment noted. Policy **NH-75 Canal Neighborhood Plan** requires the preparation of a new Canal Neighborhood Plan that would address many of the issues raised by the commentor.

Response to Comment PH-4

The commentor expressed concerns regarding water pollution in the Canal, specifically as a result of pet wastes.

Urban stormwater quality is typically degraded by many contaminants, including pet feces which increase fecal coliform levels and total dissolved solids. Significant stormwater contaminants also include the more detrimental constituents mercury (Hg), PCBs and the pesticide diazaron, which impairs the water quality of a majority of the urbanized Bay Area creeks and drainageways.¹⁷ Courteous public behavior includes cleaning up after pets, primarily dogs. Aside from draconian legal enforcement, it is difficult to mandate civil public behavior. Along the San Rafael Canal (e.g. San Rafael Creek), illegal discharges of sewage from live-aboard and recreational boats contribute a more significant pollutant loading, including elevated fecal coliform counts. The City is actively pursuing improvements in sewage pump-out facilities offered by resident marinas¹⁸ and has instituted policies designed to regulate the discharge of boat-based sewage in the Canal and San Rafael Bay.¹⁹

The City of San Rafael participates in the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), which is a component program of the National Pollution Discharge Elimination System (NPDES) program. Under the requirements of MCSTOPPP, the City monitors water quality violations along its creeks and the Canal, and conducts scheduled stormwater sampling and reports on the results to the County coordinator. In addition, the City and County jointly participate in the ongoing TMDL (Total Maximum Daily Load) program, which is administered by the RWQCB. The objective of this program is to monitor the levels of targeted water quality constituents, and to implement watershed stormwater management practices that reduce the concentrations of these constituents to acceptable levels, reflecting the beneficial uses of the area’s water resources. Finally, the quality of accumulated sediments in the San Rafael Creek/Canal is tested periodically by the Corps

¹⁷ See the San Francisco Bay Regional Water Quality Control Board (RWQCB) web site, <http://www.swrcb.ca.gov>.

¹⁸ See Policy **AW-10 Canal and Bay Boating**, specifically Program **AW-10b Sewage Pumpout Facilities**.

¹⁹ See Policy **AW-10 Canal and Bay Boating**.

of Engineers as part of its role in implementing maintenance dredging along the Canal for the San Rafael Creek Project. The results of these ongoing water quality programs alert City planners and engineers to significant water quality issues and guide appropriate local and regional responses.

Two sites were monitored during the countywide TMDL water quality monitoring survey process, which was conducted in June 2001. One was deemed an industrial site and one a residential/open space site. The industrial sampling was conducted in an unlined drainage ditch near Lovell Avenue and the residential sampling was conducted in another open ditch at the San Rafael Improvement Club. The residential/open space site was assumed to represent closer to a background concentration for the constituents sampled and tested. The testing was done for PCBs, DDT, Total Mercury and other pesticides, including Chlordane, Endosulfan, Aldrin, Dieldrin, Chlorpyrifos, and Mirex. Mercury levels at both sites were below the water quality objectives. However, PCBs and DDT levels were both in excess of EPA limits for freshwater and saltwater aquatic life at both sites. Chlordane also exceeded the published limits at both sites. Of the remaining substances, Aldrin, Dieldrin, and Chlorpyrifos were detected at some level at the industrial site and Dieldrin was also detected at the residential site. For Aldrin and Dieldrin, the detected levels exceeded the published EPA criteria for both freshwater and aquatic life.

The commentor also expressed concerns regarding clean air. The EIR describes the current status of the City's attainment of State and federal air quality standards. Policy **AW-1 State and Federal Standards** supports City efforts to continue to improve air quality and certainly do not hinder such efforts. Furthermore, as noted on page IV.3 - 8 of the Draft EIR, several policies in *Draft General Plan 2020* would support improvements in air quality.

Response to Comment PH-5

See Master Response E – Noise for discussion of noise issues related to the San Rafael Rock Quarry.

Response to Comment PH-6

The protection of the upland habitat adjacent to wetlands would be covered under **CON-4 Wetland Setbacks**, which would require a wetland setback. If a listed species was present in or around the wetland habitat, the protection of this species would be covered under **CON-13 Threatened and Endangered Species**.

Response to Comment PH-7

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, "Process comment"; NOISE ELEMENT, "N-10 (Nuisance Noise)"; and under CONSERVATION ELEMENT, "CON-4 (Wetland Setbacks)".

Response to Comment PH-8

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under SAFETY ELEMENT, "Page 241".

RESPONSE TO COMMENTS FROM THE HEARING OF JANUARY 27, 2004.

Response to Comment PH-9

See Response to Comment 37-1.

Response to Comment PH-10

See Response to Comment 37-2.

Response to Comment PH-11

See Response to Comment 37-4.

Response to Comment PH-12

See Response to Comment 37-5.

Response to Comment PH-13

See Response to Comment 37-6.

Response to Comment PH-14

See Response to Comment 37-7.

Response to Comment PH-15

See Response to Comment 37-8.

Response to Comment PH-16

See Responses to Comments 37-11 and 37-12.

Response to Comment PH-17

See Response to Comment 37-14.

Response to Comment PH-18

See Response to Comment 37-15.

Response to Comment PH-19

See Response to Comment 37-16.

Response to Comment PH-20

See Response to Comment 37-17.

Response to Comment PH-21

See Master Response A – San Rafael Rock Quarry and Master Response E – Noise.

Response to Comment PH-22

See Master Response E – Noise.

Response to Comment PH-23

Policy N-7 **Airport Heliport** addresses the comment by including the consideration and mitigation of noise impacts from changes in operations at the airport.

Response to Comment PH-24

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CONSERVATION ELEMENT, “Exhibits 33, 34, 36, 37”.

Response to Comment PH-25

See Master Response A – San Rafael Rock Quarry. Monitoring of air quality is the function of the Bay Area Air Quality Management District (BAAQMD). The San Rafael Rock Quarry operates under a permit from the BAAQMD, and the District is responsible for enforcing existing rules/regulations including nuisance provisions. Air quality complaints should be directed to the BAAQMD.

Response to Comment PH-26

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20 Street Trees” and “CD-20c (Street Tree Maintenance)”.

Response to Comment PH-27

Impact IV.5-12 Water Supply states that development consistent with *Draft General Plan 2020* could increase the demand for water in the Planning Area. Mitigation Measure IV.5-12(a) discusses ways to meet the projected water demand.

Response to Comment PH-28

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CULTURE AND THE ARTS ELEMENT, “Goal 26: Protected Cultural Heritage”, “CA-14a (Inventory Update)”, “CA-14b (Preservation Ordinance)”, “CA-14c (Historic Preservation Advisory Committee)”, and “CA-14d (Public Education)”.

Response to Comment PH-29

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CULTURE AND THE ARTS ELEMENT, “CA-12 (San Rafael Public Library)”.

Response to Comment PH-30

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-9c (New Parks-Dominican)”.

Response to Comment PH-31

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CULTURE AND THE ARTS ELEMENT, “CA-14c (Historic Preservation Advisory Committee)”.

Response to Comment PH-32

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-9 (New Parks) (a. Bellam/Windward Way Site)”.

Response to Comment PH-33

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-2a (Park Criteria)” and “Policy PR-7 (c) (Community Park Improvements – Gerstle Park)”.

Response to Comment PH-34

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20 Street Trees”; under CULTURE AND THE ARTS ELEMENT, “CA-14c (Historic Preservation Advisory Committee)”; and under PARKS AND RECREATION ELEMENT, “PR-9 (New Parks)”.

RESPONSE TO COMMENTS FROM THE HEARING OF FEBRUARY 10, 2004.

Response to Comment PH-35

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “Page 228, Exhibit 25 (Parks and Recreation Facilities in San Rafael)” and “Pg. 370 Appendix D: Recreation Facilities and acres to Retail through Naylor Legislation”.

Response to Comment PH-36

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under INFRASTRUCTURE ELEMENT, “I-4a (Funding Undergrounding Utilities)”; and under CULTURE AND THE ARTS ELEMENT, “CA-14c (Historic Preservation Advisory Committee)”.

Response to Comment PH-37

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-7 (f) Shoreline Park”.

Response to Comment PH-38

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GOVERNANCE ELEMENT, “G-7 (Community Participation)”.

Response to Comment PH-39

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GOVERNANCE ELEMENT, “G-7 (Community Participation)”.

Response to Comment PH-40

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

Response to Comment PH-41

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CULTURE AND THE ARTS ELEMENT, “CA-programs”.

Response to Comment PH-42

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

Response to Comment PH-43

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-1a (Planning Area and Growth to 2020)”, “LU-2 (Development Timing)”, “LU-3 (Project Selection Process)”, “LU-5a (Urban Service Area Review)”, “LU-8 (Density of Residential Development)”, and “LU-13 (Building Heights) Exhibit 7 (Building Height Limits)”.

Response to Comment PH-44

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-8 (Density of Residential Development)” and “LU-12 (School Site Reuse or Redevelopment)”; under HOUSING ELEMENT, “H-18a (Efficient use of Multifamily Housing Sites)” and “H-18d (Underutilized Public and Quasi-Public lands for Housing)”; under NEIGHBORHOODS ELEMENT, “Suggested New Policy. NH-119X”; and under COMMUNITY DESIGN ELEMENT, “CD-1c”, “CD-17 (Property Maintenance)”, and “CD-20c (Street Tree Maintenance)”.

Response to Comment PH-45

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Gerstle Park Vision”, “NH-119 (Pedestrian Linkages)”, and “Suggested New Program. NH-119b. Bicycle Improvements.”.

Response to Comment PH-46

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119b. Bicycle Improvements.”.

Response to Comment PH-47

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Suggested New Program. NH-119c. Traffic Improvements.”.

Response to Comment PH-48

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-32 (Downtown’s Neighbors) Second Bullet”, “Gerstle Park Introduction”, “Suggested New Policy”, “Suggested New Policy. Short School Site”, and “NH-119 (Pedestrian Linkages)”.

Response to Comment PH-49

Comment noted. No additional response necessary.

Response to Comment PH-50

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Land Use Map”.

Response to Comment PH-51

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-20 (Childcare)”.

Response to Comment PH-52

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment PH-53

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-1a (Planning Area and Growth to 2020)”, “LU-2 (Development Timing)”, “LU-3 (Project Selection Process)”, “LU-5a (Urban Service Area Review)”, “LU-8 (Density of Residential Development)”, “LU-13 (Building Heights) Exhibit 7 (Building Height Limits)”, and “Land Use Map”.

Response to Comment PH-54

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18a (Efficient use of Multifamily Housing Sites)”; and under PARKS AND RECREATION ELEMENT, “PR-9 (New Parks) (a. Bellam/Windward Way site)”.

Response to Comment PH-55

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-9b (Trust Fund for Housing)”, and “H-9c (In-Lieu Fees for Affordable Housing)”.

Response to Comment PH-56

Comment noted, no additional response necessary. The report *Marin County Targeted Industries Study*” is included as letter 71 in this document.

Response to Comment PH-57

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-58

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”.

Response to Comment PH-59

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-68a (Barbier Park/Gold Hill)” and “NH-71a (Freeway Landscaping)”.

Response to Comment PH-60

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Lucas Valley Vision”.

Response to Comment PH-61

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Vision of Marinwood”.

Response to Comment PH-62

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

Response to Comment PH-63

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-64

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-65

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-66

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-52 (Canal Maintenance)”.

Response to Comment PH-67

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2a (Development Review)”; under HOUSING ELEMENT, “H-12 (Illegal Units)”; and under CIRCULATION ELEMENT, “C-5B. Arterial LOS”.

RESPONSE TO COMMENTS FROM THE HEARING OF FEBRUARY 24, 2004.

Response to Comment PH-68

Comment noted. No additional response necessary.

Response to Comment PH-69

It should be noted that EIR for *San Rafael General Plan 2020* is a Program EIR. No additional response necessary.

Response to Comment PH-70

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82”.

Response to Comment PH-71

Comment noted. No additional response necessary.

Response to Comment PH-72

Comment noted. No additional response necessary.

Response to Comment PH-73

Comment noted. No additional response necessary.

Response to Comment PH-74

Comment noted. No additional response necessary.

Response to Comment PH-75

Comment noted. No additional response necessary.

Response to Comment PH-76

The Draft EIR does state that development consistent with *Draft General Plan 2020* could increase the demand for water in the Planning Area and that this would be a significant impact. Mitigation measures to meet the project water demand are provided. It should also be noted that the requirements of the Water Code (section 10911) affects the city’s ability to approve *General Plan 2020* and housing projects in the future. Although the Water Code does not prohibit project approval based on an insufficiency determination, the city must make certain findings and include certain information in its findings.

Response to Comment PH-77

The Draft EIR states that based on a comparison of the of the significant environmental impacts of all the development alternatives in **Exhibit VI.5-1**, Alternative 3 (*Reduced Development*) and *Draft General Plan 2020* would result in the same number of significant unavoidable impacts and the same number of less-than-significant impacts. Alternative 3 (*Reduced Development*) would result in slightly reduced significant impacts than the proposed project and therefore would be the environmentally superior alternative. The primary advantage of this alternative is that less development would reduce the opportunities for potential impacts, particularly as they relate to construction and traffic.

The commentator asks what responsibility would the city have to adopt Alternative 3 as the proposed project.

Public Resources code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]” (Emphasis added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects.” (Emphasis added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

CEQA defines “feasible” to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: “legal” considerations. (CEQA Guidelines, § 15364; *see also Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (“*City of Del Mar*”) (1982) 133 Cal.App.3d 410, 417.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; *see also Sequoyah Hills Homeowners Assn. v. City of Oakland* (“*Sequoyah Hills*”) (1993) 23 Cal.App.4th 704, 715.)

Where a significant impact can be substantially lessened solely by the adoption of mitigation measures, the agency in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that mitigated impact, even if the alternative would mitigate the impact in question to a greater degree than the project as mitigated. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Assn. v. City Council* (“*Laurel Hills*”) (1978) 83 Cal.App.3d 515, 521; *see also Kings County Farm Bureau v. City of Hanford* (“*Kings County Farm Bureau*”) (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 400-403.)

In short, CEQA requires that the lead agency (in this case the City of San Rafael) adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

Response to Comment PH-78

Noise level information for the Sonoma-Marín Area Transit (SMART) project was not included in *Draft General Plan 2020* because the project sponsor has not completed the CEQA analysis.

According to the environmental consulting firm, the noise analysis is on hold until the vehicle selection and operational assumptions are finalized.²⁰

Without the final noise analysis from SMART, the train noise data that can be included in the *General Plan 2020* EIR is general and based on assumptions that may differ from those used for the SMART project EIR. This information would be useful in the interim and should be included. The discussion of *Future Transitway* on page IV.4 - 9 of the Draft EIR is revised as follows:

The following general information about noise from transit trains is provided until noise contours for the SMART project can be included in the General Plan.

The most likely vehicle that will be used for the SMART project is the “diesel multiple unit” manufactured by Colorado Railcar Manufacturing Company.²¹ According to the manufacturer, this vehicle traveling at a speed of 50 miles per hour generates a maximum instantaneous noise level (L_{max}) of 80 to 85 dBA at a distance of 50 feet.²² Another source of noise is the whistle that trains must sound as they approach at-grade roadway crossings. According to a report by the Federal Transit Administration (FTA), railroad train whistles generate an L_{max} of approximately 105 dBA at a distance of 50 feet.²³ The L_{max} from the vehicle and the whistle would decrease with distance at a rate of 6 dBA per doubling of distance.

The L_{dn} from the trains would depend not only on the L_{max} but also on how often and the trains pass by. The Commuter Rail Implementation Plan sponsored by SMART²⁴ states that DMU-type equipment would generate an L_{dn} of 52 dBA to 59 dBA at a distance of 100 feet. This assumes a start-up service level of 24 trains per day and two of these occurring between the hours of 10 pm and 7 am. This estimate, however, does not include the effects of train whistles. Based on methodology in the FTA report, the L_{dn} near at-grade roadway crossings would be approximately 74 dBA at a distance of 50 feet.

These noise level estimates indicate that land uses near at-grade roadway crossings will have a much higher potential to be impacted by noise. The City of San Rafael has requested during SMART’s scoping period for the EIR that the noise impacts be identified and evaluated.

The whistle noise levels discussed above meet the requirements of the Federal Railroad Administration (FRA). Recent rules proposed by the FRA allow for the establishment of “Quiet Zones” where whistles are replaced with other safety measures such as improved

²⁰ Telcon Lawrence Spurgeon, Parsons Brinkerhoff, 15 March 2004.

²¹ Telcon Lawrence Spurgeon, Parsons, 15 March 2004

²² TD-02.003 – Revision A CRM DMU Noise Data, Colorado Railcar Manufacturing, LLC, 24 July 2003

²³ Transit Noise and Vibration Impact Assessment, prepared for Federal Transit Administration, US Department of Transportation, April 1995.

²⁴ Commuter Rail Implementation Plan For Sonoma and Marin Counties, Final Report, Prepared for Sonoma Marin Area Rail Transit Commission, Wilbur Smith Associates, September 2000.

crossing gates and signs.²⁵ The establishment of a Quiet Zone for SMART in San Rafael would likely require a full process of safety studies and approvals by the local and federal authorities.

Response to Comment PH-79

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under SAFETY ELEMENT, “S-9a”.

Response to Comment PH-80

Comment noted. No additional response necessary.

Response to Comment PH-81

The commentor’s opinion is noted. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process comment”.

Response to Comment PH-82

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Appendix B, p. 353”; under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”, “NH-121 (Loch Lomond Marina) – Property Uses”, and “NH-121 (Design)”.

Response to Comment PH-83

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”, “NH-121 (Loch Lomond Marina) – Property Uses”, and “NH-121 (Loch Lomond Marina) – Design”.

Response to Comment PH-84

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-18a (Efficient use of Multifamily Housing Sites)” and “H-19 (Inclusionary Housing Requirements)”.

Response to Comment PH-85

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment PH-86

See Master Response D – Canalways and *Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

²⁵ Use of Locomotive Horns at Highway-Rail Grade Crossings; Interim Final Rule (49 CFR Parts 222 and 229), Department of Transportation, Federal Railroad Administration, December 2003.

Response to Comment PH-87

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment PH-88

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Housing Policies and Programs”.

Response to Comment PH-89

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment PH-90

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)” and “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

Response to Comment PH-91

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-92

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Loch Lomond Introduction”.

Response to Comment PH-93

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density”.

RESPONSE TO COMMENTS FROM THE HEARING OF MARCH 9, 2004.

Response to Comment PH-94

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)” and “C-5D”.

Response to Comment PH-95

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Page 155 Overview of Key Recommendations”, “C-4 (Safe Roadway Design)”, “C-4b (Street Design Criteria to Support Alternative Modes)”, “P. 176. TDM text box”, and “C-17a (SMART)”.

Response to Comment PH-96

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Circulation Goals”.

Response to Comment PH-97

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

Response to Comment PH-98

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

Response to Comment PH-99

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

Response to Comment PH-100

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Andersen Drive)”.

Response to Comment PH-101

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “(Page 187) Introduction”.

Response to Comment PH-102

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

Response to Comment PH-103

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Page 159”, “C2a (Local Transportation Tax)”, “C-7 Exhibit 19. (Major Planned Circulation Improvements)”, “C-17a (SMART)”, “C-17 c and d”, and “C-27 (Pedestrian Plan Implementation)”.

Response to Comment PH-104

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Travel times on Pt. San Pedro Road” and “Traffic Survey”.

Response to Comment PH-105

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-26 (Bicycle Plan Implementation)”.

Response to Comment PH-106

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Travel times on Pt. San Pedro Road”.

Response to Comment PH-107

The Draft EIR discusses the impact of development consistent with *Draft General Plan 2020* including that from north, east, and west of the intersection of Third Street and Union Street (see *Impact IV.2-3*).

Response to Comment PH-108

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Adersen)”; and under CIRCULATION ELEMENT, “C-11 (Alternative Transportation Mode Users)”.

Response to Comment PH-109

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2 (Development Timing)”.

Response to Comment PH-110

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2 (Development Timing)”.

Response to Comment PH-111

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Page 158”, and “Traffic Coordinating Committee”.

Response to Comment PH-112

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5D” and “C-7a (Traffic Mitigation Fees)”.

Response to Comment PH-113

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-7 Exhibit 19. (Major Planned Circulation Improvements)”, and “Traffic Coordinating Committee”.

Response to Comment PH-114

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2 (Development Timing)”.

Response to Comment PH-115

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “LU-2 (Development Timing)”.

Response to Comment PH-116

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-117

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Travel times on Pt. San Pedro Road”.

Response to Comment PH-118

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

RESPONSE TO COMMENTS FROM THE HEARING OF MARCH 23, 2004.

Response to Comment PH-119

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-120

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under Housing Element; NEIGHBORHOODS ELEMENT, “NH-35 (a). (Hetherton Office District”, “NH-82 (Canalways)”, “NH-121 (Loch Lomond Marina) – Design”, “NH-139 (Northgate Mall)”, “NH-166 (Terra Linda Shopping Center)”; under LAND USE ELEMENT, “LU-14 (Height Bonuses)” and “Exhibit 9 (Height Bonuses)”; under HOUSING ELEMENT, “H-18d (Underutilized Public and Quasi-Public Lands for Housing)”; and under COMMUNITY DESIGN ELEMENT, “CD-22a (Sign Ordinance)”.

Response to Comment PH-121

See *Response to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-87 (Cal-Pox Site)”.

Response to Comment PH-121A

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-11 (Schools) and “NH-116 (New Development)-last bullet”.

Response to Comment PH-122

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-40 (Second/Third Mixed Use District Design Considerations)”.

Response to Comment PH-123

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-4 (Safe Roadway Design)”.

Response to Comment PH-124

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-38a (Mahon Creek)”.

Response to Comment PH-125

Commentor expresses support for policy **NH-82 Canalways** and the policy’s potential to support the restoration of wetlands on the Canalways property. Comment noted.

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-126

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Exhibit 5 (Floor Area Ratios)”, and “Land Use Map”.

Response to Comment PH-127

See Response to Comment 118-2; Master Response C – Loch Lomond; and *Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121 (Loch Lomond Marina) – Residential Density” and “NH-121 (Loch Lomond Marina) – Property Uses”.

Response to Comment PH-128

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “Appendix B, Housing Background”; under NEIGHBORHOODS ELEMENT, “NH-24 (Pedestrian Comfort and Safety)”; and under CIRCULATION ELEMENT, “C-7a. Planned Roadway Improvements, Exhibit 19”, “C-19 (Paratransit options)” and “C-19a (Paratransit Service)”.

Response to Comment PH-129

See Master Response D – Canalways. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-130

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Circulation Goals”, “C-4b (Street Design Criteria to Support Alternative Modes)”, “C-5. Traffic Level of Service Standards”, “Introduction”, “C-4b Street Design Criteria to Support Alternative Modes”, “C-5. Traffic Level of Service Standards”, “C-5b (Monitoring Traffic)”, and “(Page 187) Introduction”.

Response to Comment PH-131

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-132

See Response to Comment 20-1.

Response to Comment PH-133

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-49 (Recreational Boat Facilities)”, “NH-121 (Loch Lomond Marina)”, and “NH-121 (Loch Lomond Marina) – Residential Density”.

Response to Comment PH-134

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-3 (Neighborhoods)” and “Policy CD-11 (Nonresidential Design Guidelines)”.

Response to Comment PH-135

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-121b (Marsh, Wetlands and Bay Views)”.

Response to Comment PH-136

See Master Response D – Canalways. It is important to note that there is a public trail along the northern boundary of Canalways, a parking lot adjacent to Canalways on the western boundary, and a dead-end of a roadway along the southern boundary of the site. The existing conditions of the Canalways can easily be evaluated from these three vantage points.

Response to Comment PH-137

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “Gerstle Park”; and under CIRCULATION ELEMENT, “Page 156”.

Response to Comment PH-138

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process Comment”.

Response to Comment PH-139

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “Exhibit 19, Page 169” and “Traffic Coordinating Committee”.

Response to Comment PH-140

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

Response to Comment PH-141

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Page 38, Exhibit 10, Land Use Categories”; under CIRCULATION ELEMENT,

“C-26 (Bicycle Plan Implementation)”; and under CONSERVATION ELEMENT, “Conservation Element”.

Response to Comment PH-142

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-19a (Inclusionary Housing); Affordable Housing Ordinance”.

RESPONSE TO COMMENTS FROM THE HEARING OF MARCH 30, 2004.

Response to Comment PH-143

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-19a (Inclusionary Housing); Affordable Housing Ordinance”.

Response to Comment PH-144

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-19a (Inclusionary Housing); Affordable Housing Ordinance”.

Response to Comment PH-145

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-19a (Inclusionary Housing); Affordable Housing Ordinance”.

Response to Comment PH-146

Comment noted. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “PSP Ordinance”.

RESPONSE TO COMMENTS FROM THE HEARING OF APRIL 27, 2004.

Response to Comment PH-147

Comments noted. No additional response necessary.

Response to Comment PH-148

Comments noted. No additional response necessary.

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SECTION IX.5 RESPONSE TO COMMENTS ON THE DRAFT GENERAL PLAN 2020

Responses to Comments on the Draft General Plan 2020

This section includes responses to comments on the *Draft General Plan 2020*. For easy reference, each comment/response was given a number. Several ‘codes’ were used depending on the source of the comment.

- Written comments and public hearing comments following the numbering code in Section IX.4.
- Comments made by a Planning Commissioner are noted with “PC” and the date of the meeting.
- “Staff” indicated a staff recommendation or a proposed mitigation from the Draft EIR.

This section is organized by element in the same order as the *Draft General Plan 2020*. Responses in *Section IX.4 Response to Comments* of this FEIR refer to the Elements and sections as listed below:

- I. GENERAL COMMENTS and INTRODUCTION
- II. LAND USE ELEMENT
- III. HOUSING ELEMENT
- IV. NEIGHBORHOODS ELEMENT
- V. COMMUNITY DESIGN ELEMENT
- VI. ECONOMIC VITALITY ELEMENT
- VII. CIRCULATION ELEMENT
- VIII. INFRASTRUCTURE ELEMENT
- IX. GOVERNANCE ELEMENT
- X. CULTURE AND THE ARTS ELEMENT
- XI. PARKS AND RECREATION ELEMENT
- XII. SAFETY ELEMENT
- XIII. NOISE ELEMENT
- XIV. OPEN SPACE ELEMENT
- XV. CONSERVATION ELEMENT
- XVI. AIR AND WATER QUALITY ELEMENT

Included in these responses are all of the recommended revisions and edits of *Draft General Plan 2020*. These revisions are in the column labeled Recommendations. None of these revisions result in “significant new information” in the EIR and do not require recirculation for further review and comment in accordance with *State CEQA Guidelines* Section 15088.5.

Based on these recommended revisions Exhibits III.3-2 and III.3-4 (plus Exhibit IV.1-3 which is the same as III.3-4) are revised as follows:

Exhibit III.3-2
Proposed Land Use Changes

Map #	Location	GP 2000 Designation	GP 2020 Designation	Proposed Change
“S”	All school sites with “P/QP land use	P/QP	LDR & MDR	Would allow potential for staff housing on school properties, as consistent with surrounding densities.
1	“LI/O” properties surrounding Davidson Middle School	LI/O	LMU	New land use category would promote live/work housing while retaining Light Industrial/Office uses.
2	Medway-Vivian Area	LI/O	NC	Would allow for more neighborhood-serving commercial uses.
3	Loch Lomond Marina	M, NC	NC, C, M	Would expand NC land use designation for increased neighborhood-serving commercial uses and housing. A portion of Marine-related designation would be changed to C to protect sensitive habitat.
4	St. Vincent’s/Silveira	AGR, POS/C, PQP	none	Would be removed from the Planning Area.
5	Brookdale Avenue Area	MDR	HDR	Would allow for increases in density.
6	Golden Gate Transit Bus Yard	P/QP	LI/O	Would provide for potential Light Industrial/Office uses.
7	Canalways	MDR	C	Would provide protection of sensitive habitat areas.
8	Vista Marin (Hillside Area)	LDR	OS	Would provide protection of sensitive hillside habitat (owned by Vista Marin Homeowners Association).
9	San Rafael Airport	NC, LDR, MDR	<u>A/R, C</u>	Would provide a general Land Use designation <u>of Airport/Recreation, and Conservation for the wetland areas</u> . Other allowable uses are found in the Declaration of Restriction for the San Rafael Airport (see Draft General Plan 2020 Policy N-129).
10	208-268 Woodland Avenue	HDR	MDR/LDR	Existing units would be changed to MDR to reflect current density; parcels at southern corner of Davidson School would be changed to LDR.
11	APN 155101104	LDR	HR	Would be changed to HR to be consistent with Hillside Residential Guidelines. (steep slope)
12	APN 15525175	O	P/QP	Designation would be changed in anticipation of Fire Station per Resolution No. 8482.
13	APN 16428054 & 16428055	POS	HRR	Designation changed to reflect existing units.
14	APN 01119503	5MRO	P/QP	Designation changed to reflect proposed conversion to school use (existing medical office purchased by Marin Academy).

Map #	Location	GP 2000 Designation	GP 2020 Designation	Proposed Change
15	Bernard Hoffman Field	LDR	P	Designation changed to Parks. why?
16	APN 17927008	POS	LDR	Property owned by County of Marin. this doesn't make any sense?
17	6-18 Ninestone Court	POS	HRR	Designation changed to reflect existing Single Family dwelling units on parcels.
18	APN 16429064	HRR	OS	Designation changed to OS. Property owned by the Marinwood Community Services District.
19	APN 17932114	HRR	OS	Designation changed to OS. Property owned by the Marin County Open Space District.
20	Gold Hill Grade	HRR	OS	Per recently adopted zoning change.
21	LucasFilm Properties	HRR	OS, <u>LI/OE</u>	OS on Lucas Valley Open Space Preserve across northern portion of parcel, <u>LI/OE</u> on southern portion would provide protection of sensitive habitat where development has been approved by the County.
22	Marin Islands	HRR	OS	Islands designated State and Federal Wildlife refuge
23	APN 16421104	POS	HRR	Owned by Marinwood Community Service District; changed to conform with county land use designation
24	APN 16464002	PQP	MDR, OS, PQP	Changed to conform with County land use designation.
25	APN 01808716; APN 01811202,-04,-05,-06	LDR	MDR	Changed to conform with County land use designation.
26	Harry A. Barbier Memorial Park, APN 01525053 and 18647077	POS	OS	Changed to reflect use as open space.
=	<u>Marin Ballet, 100 Elm St. APN 01510102</u>	<u>LDR</u>	<u>P/QP</u>	<u>Changed to reflect current use.</u>
=	<u>Laurel Glen Homeowners</u>	<u>C</u>	<u>OS</u>	<u>Changed to reflect that the site is protected as part of the Laurel Glen subdivision.</u>

Source: City of San Rafael Community Development Department, 2004³.

**Exhibit III.3-4
General Plan Land Use Designations, Existing and Proposed**

General Plan Land Use Designation	General Plan 2000 (acres)	General Plan 2020 (acres)	Net Change (Acres)	Net Change (Percent)
Single-Family Residential				
Hillside Resource Residential	2633	1535	-1098	-41.7
Hillside Residential	1652	1591	-61	-3.7
Large Lot Residential	83	83	0	0.0
Low Density Residential	3129	3201 3200	7271	2.3
<i>Single-Family Residential Subtotal</i>	7497	6419 6409	-1087 -1088	-14.5
Multifamily Residential				
Medium Density Residential	578	563	-15	-2.6
High Density Residential	311	279	-32	-10.3
<i>Multifamily Residential Subtotal</i>	889	842	-47	-5.3
Residential Subtotal	8386	72527251	-1134-1135	-13.5
Commercial-Mixed Use				
Fifth/Mission Residential/Office	28	28	0	0.0
Fourth Street Retail Core	14	14	0	0.0
General Commercial	206	206	0	0.0
Hetherton Office	6	6	0	0.0
Lindaro Mixed Use	0	13	13	n/a
Lindaro Office	14	14	0	0.0
Marine Related	119	93	-26	-21.8
Neighborhood Commercial	34	38	4	11.8
Office	196	196	0	0.0
Residential/Office	16	16	0	0.0
Retail/Office	30	30	0	0.0
St. Vincents/Silveira	581	0	-581	-100.0
Second/Third Street Mixed-Use	37	37	0	0.0
West End Village	12	12	0	0.0
<i>Commercial-Mixed use Subtotal</i>	1293	703	-590	-45.6
Commercial-Nonresidential				
<u>Airport/Recreation</u>	<u>0</u>	<u>77</u>	<u>77</u>	<u>n.a.</u>
Industrial	135	125	-10	-7.4
Light Industrial/Office	301	312 352	111	3-7 16.9
Mineral Resource	230	230	0	0.0
Public-Quasi Public	1064	940 941	-124 -123	-11.76
<i>Commercial-Nonresidential Subtotal</i>	1730	1607 1725	-123 -5	-7.1
Commercial Total	3023	23102428	-713-595	-23.6-19.7
Parks and Open Space				
Parks/Open Space	6624	0	-6624	-100.0
Parks/Open Space/Conservation	303	0	-303	-100.0
Parks	0	1974	1974	n/a
Open Space	0	5551 5560	5551 5560	n/a
Conservation	0	669 543	669 543	n/a
Agriculture/Recreation/Land Reserve	363	0	-363	-100.0
<i>Parks/Open Space Subtotal</i>	7290	8194 8077	904 787	12-4 10.8
TOTAL	18699	17756	-943^a	-5.0

^a This number includes 581 acres of Commercial-Mixed Use land (designated St. Vincent's/Silveira) and 363 acres of Parks and Open Space land (designated Agriculture/Recreation/Land Reserve) on the St. Vincent's/Silveira properties that have been removed from the Planning Area.

Source: San Rafael Community Development Department, 2003~~4~~.

Based on comments received several *Draft General Plan 2020* exhibits, and one Draft EIR exhibit, have been revised. The revised exhibits are provided following the responses to comments on the *Draft General Plan 2020*.

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I. GENERAL COMMENTS and INTRODUCTION

Comment #	Policy/Program	Comment	Response	Recommendation
<p>112-1 177-1 PH-7 PH-81</p>	<p>Process comment</p>	<p>There is no elected or appointed representative from the Canal neighborhood. Outreach is a necessity. Perhaps establishing focus groups to understand the needs.</p> <p>The GP2020 Steering Committee didn't include any member from the Loch Lomond neighborhood.</p> <p>The Steering Committee process was extensive, detailed and balanced. Plan was intended to be a framework for future decisions. No single group or individual or interest was excluded or favored in this process and the final product should be viewed as a whole, not on any single issue.</p> <p>The City has devoted too much attention to the business interest and development in this community at the expense of quality of life issues for residents. The General Plan should be updated and more proactive in order to minimize these degradations to the quality of life of residents.</p>	<p>Response: Four years ago, there was an extensive recruitment for people to serve on the San Rafael General Plan 2020 Steering Committee. The 17 people appointed to serve were deliberately chosen to represent “a broad cross section of the community” and to be “familiar with community issues and the different areas and populations of San Rafael.” Several people with extensive involvement with neighborhood associations were appointed to share their perspectives, although no one was appointed as a representative specifically of any one of the 30 San Rafael neighborhoods. Several people from the Canal served on the Steering Committee over the course of the planning project, and others were appointed to one of the four planning Task Groups. Two Steering Committee members lived on the Pt. San Pedro peninsula and were familiar with the quarry, truck, housing, and other issues of the Loch Lomond neighborhood. The Steering Committee represented all the various communities of San Rafael, balancing the interests of the business, civic, cultural, educational, and neighborhood groups.</p>	
<p>11-3</p>	<p>Process comment</p>	<p>The meeting schedule is too tight. A different format for public comment may help. Some sort of tracking of comments/responses should be made available for public viewing.</p>	<p>Response: The Planning Commission's review has been extended through July. With the revised schedule, staff has been able to provide these responses to the comments made on the draft Plan.</p>	
<p>85-1</p>	<p>Process comment</p>	<p>In the future, information given out by the planning department should be consistent and accurate.</p>	<p>Response: Please call Evelyn Buchwitz at 458-5007 or Linda Jackson at 485-3067 with questions of clarification, or for additional information about the <i>Draft General Plan 2020</i>.</p>	

I. GENERAL COMMENTS and INTRODUCTION

Comment #	Policy/Program	Comment	Response	Recommendation
PH-138	Process comment	How much has this process cost? The process has not allowed for proper public input or comment and the public is not done with commenting. The plan needs to be studied in more detail.	<p><i>Response:</i> The General Plan 2020 budget approved in 1999 by the City Council was approximately \$850,000. This does not include staff time, legal counsel or additions to consultant contracts. A final accounting of costs will be prepared following adoption of the plan.</p> <p>The Planning Commission's review of the draft Plan follows three years of work by the General Plan Steering Committee, including numerous community meetings and workshops.</p> <p>The Planning Commission has reviewed the draft Plan over the course of seven months. The City Council's review will begin in September, and promises to be comprehensive as well.</p>	
126-1	Correction to Planning Commission minutes	Requested changes to the Commission's minutes for the February 24, 2004 meeting.	<p><i>Response:</i> The Commission approved the February 24th meeting minutes on March 9, 2004, before receipt of these comments dated March 23, 2004.</p>	

I. INTRODUCTION

Staff	Page 10	Note that the Sphere of Influence boundary will be the same as the Planning Area boundary once LAFCO has adopted the SOI boundary revision.		<p>Edit:</p> <p>... With the exception of the Silveira Ranch and the St. Vincent's School for Boys, the Planning Area corresponds to San Rafael's "Sphere of Influence" (SOI) that has been established by agreement with Marin Local Agency Formation Commission (LAFCO). The City has requested LAFCO remove these two properties from San Rafael's SOI. When this revision in the SOI, the Planning Area will be the same as the SOI. . . .</p>
PC 2/10/04	Pg. 13 (How the Plan is Organized)	Note that the resources listed for each program are not intended to be exclusive.		<p>Edit: Revise Page 13 as shown.</p> <p>Resources: Potential sources of funding. Program implementation depends on the availability of funding and City Council priorities, and may be rely on partnerships and contributions. Resources listed in the programs are not intended to be exclusive.</p>

I. GENERAL COMMENTS and INTRODUCTION

Comment #	Policy/Program	Comment	Response	Recommendation
PC 4/27/04	Introduction	A global statement should be made about sustainability.	<p>Response: The Planning Commission and General Plan 2020 Steering Committee reviewed several planning frameworks, including smart growth, livable city, and sustainability. The two most used were 'smart growth' and the 'livable city.' Smart growth principles include [these are very abbreviated descriptions] the preservation of open spaces, support for investments in redevelopment, mixed use and infill development, and expansion of transportation options. Livable city principles include the promotion of cultural and recreational activities and locations to enhance community life, government engagement with the community in planning and decision-making, and the pursuit of well-designed buildings and public spaces that contribute to a sense of place. While 'sustainability' with its three pillars of the environment, economy and social equity provides the basic framework for the Marin Countywide Plan, San Rafael's plan focused more on the quality of the built environment in a natural setting. Even without the explicit organization around the sustainability theme, San Rafael's plan includes many policies and programs related to the principles of sustainability, as there is overlap in the approaches of the various planning philosophies. The themes of the draft Plan listed on Page 12 reflect the Committee's specific approach to planning for the future of San Rafael's unique character. No change is recommended.</p>	
PC 7/8/04	Page 14	Add a statement that there is no priority to goals, policies or programs.		<p>Edit: The organization of the elements, goals, policies and programs do not indicate a priority, unless otherwise stated. Given the broad scope of the General Plan, inherent tensions exist between Plan goals and policies that must be balanced against one another through the decision-making process on particular development and land use decisions. It is not the intent of the General Plan to predetermine these decisions, but rather to help guide the decision-making process.</p>

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II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation																														
PC 2/10/04	Land Use policies and programs	Be clear about use of the term "Commercial."	<p>Response: The Land Based Classification System, developed by the American Planning Association offers the following general uses:</p> <p>Shopping, business or trade activities, which include shopping, restaurants-type activity, and office activities. These activities are typically called 'commercial' in the draft Plan. Industrial activities, which include manufacturing.</p> <p>Institutional activities, which include social and infrastructure-related activities.</p> <p>Some confusion results because the commercial real estate industry considers both shopping/business/trade and industrial activities as 'commercial'; however, since these uses are treated differently in the draft Plan, staff does not recommend revising the land use categories. A survey of the use of commercial shows that the term is used consistently in the Plan to refer to the 'shopping, business and trade activities described above. When Industrial uses are intended to be included, they are listed as well as 'commercial uses.'</p>																															
PC 3/23/04	Introduction to Goal 1, Exhibit 4, pg. 23	There are conflicting numbers throughout this element.	<p>Response: Throughout the planning documents, there are different numbers by different agencies for different purposes. The following is an overview of this information.</p> <p>The Land Use Element, Exhibit 4, page 23, shows the Steering Committee's growth assumptions for the City of San Rafael for 2020:</p> <table border="1" data-bbox="779 1008 1055 1365"> <thead> <tr> <th>Use</th> <th>Existing [2003]</th> <th>Projected 2020</th> </tr> </thead> <tbody> <tr> <td>Housing (units)</td> <td>28,929</td> <td>32,423</td> </tr> <tr> <td>Commercial (sq. ft.)</td> <td>9,030,000</td> <td>9,183,000</td> </tr> <tr> <td>Office/Industrial (sq. ft.)</td> <td>9,031,000</td> <td>9,278,000</td> </tr> <tr> <td>Lodging (rooms)</td> <td>464</td> <td>821</td> </tr> <tr> <td>Entertainment (seats)</td> <td>3,010</td> <td>5,010</td> </tr> </tbody> </table> <p>[source: Department of Public Works, used for San Rafael's traffic modeling.]</p> <p>This table is repeated in the EIR as Exhibit III.4-2, page III-18. However, the sq. ft. for Office/Industrial is listed as 9,279,000. This is recommended for correction.</p> <p>The Housing Element Background, page 309, shows the Association of Bay Area Government's (ABAG) growth projections for San Rafael's Planning Area for 2020 [partial listing]:</p> <table border="1" data-bbox="1055 1008 1453 1365"> <thead> <tr> <th></th> <th>2000</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Population</td> <td>68,582</td> <td>76,000</td> </tr> <tr> <td>Households</td> <td>27,122</td> <td>30,900</td> </tr> <tr> <td>Employed Residents</td> <td>38,176</td> <td>43,470</td> </tr> </tbody> </table>	Use	Existing [2003]	Projected 2020	Housing (units)	28,929	32,423	Commercial (sq. ft.)	9,030,000	9,183,000	Office/Industrial (sq. ft.)	9,031,000	9,278,000	Lodging (rooms)	464	821	Entertainment (seats)	3,010	5,010		2000	2020	Population	68,582	76,000	Households	27,122	30,900	Employed Residents	38,176	43,470	<p>Edit. Revise Exhibit 4 to state <u>9,279,000</u> Office/Industrial sq. ft.</p>
Use	Existing [2003]	Projected 2020																																
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II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation																												
			<table border="1" data-bbox="267 819 308 1386"> <tr> <td>Jobs</td> <td>44,340</td> <td>51,840</td> </tr> </table> <p data-bbox="316 819 341 1386">Source: ABAG, 2003 projections.</p> <p data-bbox="349 819 544 1386">Note that the base year is different, the land area is different (City limits vs. Planning Area which includes unincorporated County areas) and that housing category is different (housing units vs. households). In addition, ABAG focuses on jobs rather than building sq. ft. or other unit). ABAG's 2003 growth projections are not based on City or County plans but instead on a community project to redirect future housing growth in areas outside of the Bay Area closer to existing job centers. The amount of increase in units/households is equivalent (approximately 3,500), and ABAG's projected growth can be accommodated within San Rafael's General Plan 2020.</p> <p data-bbox="552 819 625 1386">Also in the Housing Element Background, page 351, is a table showing the ABAG's determination of the State-mandated 'housing need' for the City of San Rafael for the planning period of 1999-2007.</p> <table border="1" data-bbox="657 661 795 1386"> <thead> <tr> <th>Very Low Income</th> <th>Low Income</th> <th>Moderate Income</th> <th>Above Moderate Income</th> <th>Total Housing Need</th> </tr> </thead> <tbody> <tr> <td>445</td> <td>207</td> <td>562</td> <td>876</td> <td>2,090</td> </tr> </tbody> </table> <p data-bbox="803 819 933 1386">Source: ABAG, 1999. The housing need is not a projection of growth, but a determination of the types of housing needed at various affordability levels. The City's growth assumptions must be able to accommodate the State's housing needs numbers. The EIR includes the assumptions used by the Marin County Department of Public Works, Exhibit III.4-1 on page III-17.</p> <table border="1" data-bbox="941 724 1185 1386"> <thead> <tr> <th>Category</th> <th>Existing Conditions [1998]</th> <th>General Plan 2020</th> </tr> </thead> <tbody> <tr> <td>Population</td> <td>66,396</td> <td>79,104</td> </tr> <tr> <td>Households</td> <td>26,130</td> <td>31,234</td> </tr> <tr> <td>Total Employment</td> <td>45,582</td> <td>47,394</td> </tr> <tr> <td>Employed Residents</td> <td>36,187</td> <td>46,618</td> </tr> </tbody> </table> <p data-bbox="1193 819 1421 1386">Source: Marin County Department of Public Works. Again, the base year is different with the County's database, the County's data covers the San Rafael Planning Area, and the County uses jobs and employed resident data rather than building sq. footage. The County uses ABAG's definitions for households and employment (jobs). As noted above, the land use coding for 'units' and 'households' are different, for example, assisted living units are counted as units in San Rafael but are an office use in the County's database. Regardless of the differences between the various sources of information, there is a consistency in growth assumption patterns, and all the projected numbers reflect modest growth in both population and jobs.</p>	Jobs	44,340	51,840	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total Housing Need	445	207	562	876	2,090	Category	Existing Conditions [1998]	General Plan 2020	Population	66,396	79,104	Households	26,130	31,234	Total Employment	45,582	47,394	Employed Residents	36,187	46,618	
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II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
Staff PC 7/8/04	Exhibit 1 (San Rafael Planning Area) and Exhibit 2 (Urban Service Area)			Edit: Staff recommends combining the two maps to show San Rafael's current Sphere of Influence, the Planning Area, the Urban Service Area and the city limits. A note will be included to state that with LAFCO approval of San Rafael's request for an amendment to its Sphere of Influence, the Sphere of Influence will be the same as the City's Planning Area.
PC 2/10/94 34-1 PH-43 PH-53	LU-1a (Planning Area and Growth to 2020).	Concern that there may be the potential for changes to the Land Use Element without full community input.	Response: This program calls for monitoring and updating the General Plan in five-year increments rather than doing so at the 20-year term of the Plan. Under State law, any revisions to the General Plan require public hearings by the Planning Commission and the City Council.	
PC 2/10/04 34-2 PH-43 PH-53 PH-109 PH-110 PH-115	LU-2. (Development Timing)	The circulation element seeks to raise the LOS on certain critical junctions along Second, Third and D Streets and Irwin and Grand Avenue from LOS D to LOS E. These junctions are already over congested and do not warrant raising the LOS from D to E simply to enable more development. Raising the LOS does not provide "adequate infrastructure."	Response: See Policy C-5 (Traffic Level of Service Standards) discussion below.	
PH-114	LU-2. (Development Timing)	Changing LOS from D to E would help pay for intersection improvements on Third and Union.	Response: Improvements to Third and Union will be funded through mitigation fees and local contributions.	
PC 7/8/04	LU-2 (Development Review)	Include a statement that would recognize the City's intent to allow reasonable use of land.		Edit: Add after section (e) the following new sentence: e. Sewer, water and other infrastructure improvements will be available to serve new development by the time the development is constructed. <u>The City may waive or modify any policy requirement contained herein if it determines that the effect of implementing the same in the issuance of a development condition or other approvals to preclude all economically viable use of a subject property.</u>
PH-67	LU-2a. (Development Review)	Development should not occur unless traffic resulting from development does not exceed LOS identified in Circulation Element.	Response: See Policy C-5 (Traffic Level of Service Standards) discussion below.	

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
<p>PC 2/10/04 34-3 PH-43 PH-53</p>	<p>LU-3 (Project Selection Process).</p>	<p>Appears to allow allocation of traffic capacity for development projects without regard for neighborhood impacts.</p>	<p>Response: The policy states that PSP criteria will be established to determine high priority projects. Program LU-3a further indicates that public involvement will occur in the process of establishing the criteria (the Planning Commission held a Public Hearing on March 23) and in the subsequent annual PSP process, which will include public hearings at the Planning Commission and City Council.</p> <p>In addition to PSP evaluation, traffic and other impacts are identified through project review consistent with State law and CEQA requirements.</p>	
<p>Staff</p>	<p>LU-4 (Reasonable Interim Use of Property)</p>	<p>Policy wording is confusing.</p>		<p>Edit: Revise sentence as shown.</p> <p>Implement development timing policies to allow a landowner the reasonable interim use of property in areas where development is precluded pending needed traffic improvements.</p>
<p>PC 2/10/04</p>	<p>LU-5 (Urban Service Area)</p>	<p>Overly broad. Add "in adjacent areas".</p>		<p>Edit: Revise as shown.</p> <p>Oppose urban development of in areas adjacent outside to San Rafael's Urban Service Area boundary.</p>
<p>34-4 PH-43 PH-53</p>	<p>LU-5a (Urban Service Area Review)</p>	<p>The urban growth boundary should remain fixed for the entire term of the General Plan.</p>	<p>Response: San Rafael does not have an urban growth boundary. This policy refers to the City's Urban Service Area, which is established by LAFCO. State law requires periodic review of the City's Urban Service Area and Sphere of Influence by LAFCO. A periodic review is anticipated to be initiated by LAFCO in fall 2004.</p> <p>Staff recommends that the word 'ultimate' be deleted from the descriptive text in the Sphere of Influence box on page 24; this word is not in the Govt. Code Section.</p>	<p>Edit: Revise the text box on page 24 as shown.</p> <p>San Rafael's Sphere of Influence shall continue to be the same as its Planning Area boundary. A Sphere of Influence is defined as the probable physical boundaries and service area of a local agency. (Govt. Code Section 54774). It is recognized that some urban services are provided by special districts.</p> <p>The Urban Service Area is an area that can reasonably be annexed and provided with urban services within a five-year period, given the amount of potential development within City limits and limited circulation and sewage treatment plant capacity or other service constraints.</p> <p>San Rafael's Planning Area includes all the lands within the Sphere of Influence shown on Exhibit I. Upon LAFCO approval to remove the St. Vincent's and Silveira Ranch properties from San Rafael's Sphere of Influence, the Planning Area and the Sphere of Influence shall be the same.</p>

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
<p>PC 2/10/04 34-5 PH-43 PH-44 PH-53</p>	<p>LU-8 (Density of Residential Development)</p>	<p>Establishes site-specific minimum development standards without appropriate environmental review, design review and public input. The GP should not dictate that minimum densities are required. Policy expands the use of clustering by allowing gross developable acreage to include areas that could never be developed. Such clustering is contradictory to development being responsive to "prevailing densities of adjacent neighborhoods" and proposed Conservation policies. Re: Minimum density. Support minimum density to meet housing needs. Don't apply in hillside districts. Allow for going below minimum density in order to support housing. Suggest adding constraints other than environmental.</p>	<p>Response: Clustering development potential over a site into a smaller area in order to avoid environmentally-sensitive areas or recreational facilities is not inconsistent with Conservation policies to protect habitat areas, and has been City policy since 1988. With this policy, open space areas have been preserved in many developments throughout San Rafael. Clustering is also consistent with the policy wording to respond to 'City design policies and development patterns and prevailing density of adjacent developed areas.' The appropriate site design and density of a clustered project is determined through project-specific review. The Housing Element contains program H-18a Efficient Use of Multifamily Housing Sites, which indicates that projects should be approved at the higher end of the density range. To avoid the appearance of a conflict, the last sentence of the first paragraph of the policy could be deleted. Staff also recommends adding a reference to Exhibit 10 Land Use Categories, combining LU-8 and LU-8x and editing for flow.</p>	<p>Edit: Revise as shown. Residential densities are shown in Exhibit 10 Land Use Categories, pages 38-40. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas. Residential development should not be built below the minimum density allowed in the land use district unless there are significant environmental constraints. When development is clustered to avoid sensitive areas of a site, density provided to the entire site may be transferred to the remaining portion of the site, providing all factors listed above can be met. Transfer of density among properties shall only be permitted when unique or special circumstances (e.g., preservation of wetlands or historic buildings) are found to exist which would cause significant environmental impacts if the transfer were not allowed.</p> <p>LU-8x Transfer of Density Among Properties. Transfer of density among properties shall only be permitted when unique or special circumstances (e.g., preservation of wetlands or historic buildings) are found to exist which would cause significant environmental impacts if the transfer is not allowed.</p>
<p>PC 2/10/04</p>	<p>LU-9 (Intensity of Nonresidential Development)</p>	<p>There was confusion for LU-9(b) 1 and 2. Suggest moving the #2 portion up in to #1.</p>	<p>Edit: Add the following definition, and revise the policy as as shown.</p>	<p>Floor Area Ratio (FAR)</p> <p>FAR is the total gross building square footage divided by the land area, exclusive of public streets. Parking areas, covered or uncovered, and non-leasable covered atriums are not included in calculating FARs.</p>

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
				<p>permitted except where the City Council finds the following: one or both of the following:</p> <ol style="list-style-type: none"> 1. The development of the beneficiary parcel is consistent with the General Plan 2020, except that FARs or maximum densities may be exceeded, and 2. The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements, and 3. Unique or special circumstances are found to exist (e.g., preservation of wetlands or historic buildings) that would cause significant environmental impacts if the transfer is not allowed, and/or 4. A significant public benefit will be provided, such as securing a new public facility site (e.g. park, school, library, fire station, or police station.) <p>In order for an FAR transfer to occur pursuant to this policy, the applicant shall demonstrate that the parcels from which and to which the FAR is transferred meet all the following criteria:</p> <ol style="list-style-type: none"> a. The development of the beneficiary parcel is consistent with the General Plan 2020, except that FARs or maximum densities may be exceeded. b. It must also be demonstrated that the proposed development will comply with all applicable zoning, traffic and design parameters and criteria as well as traffic requirements. c. Through Planned Development rezoning, consider allowing a higher floor area ratio at the shopping center sites located at the crossroads of Andersen Drive, Highway 101, and Francisco Blvd. West where it would facilitate redevelopment with improved parking, access, landscaping and building design. <p>Include a map of the shopping center sites. Include the hillside FARs on the FAR maps.</p> <p>Edit: Revise the FAR map to show the P/QP FAR of 1.0 for the Marin Ballet site.</p>
<p>PC 2/10/04 58-1 178-1 PH-126</p>	<p>Exhibit 5 (Floor Area Ratios)</p>	<p>Include the Marin Ballet site (APN 15-101-02) in this exhibit with designation as Public/Quasi-Public.</p>	<p>Response: The Marin Ballet has requested that a Public/Quasi Public land use designation be given their property, rather than a residential land use designation. (See discussion below under Land Use Map.) Because the Public/Quasi-Public land use districts have an FAR of 1.0, the FAR map should be revised accordingly.</p>	

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PC 2/10/04 PH-44 34-6	LU-12 (School Site Reuse or Redevelopment)	Should be consistent with NH-11. Add reference. Maybe delete first paragraph of LU-12. Support language where redevelopment of surplus school sites SHALL recognize and be sensitive to the density and character or the surrounding neighborhood.	Response: Policy NH-11 (Schools) states that 'housing development at prevailing densities in the immediate areas should be the appropriate land use.' To avoid duplication and possible inconsistency in policies, deleted the two Steering Committee options and add a reference to policy NH-11.	Edit: Revise as shown. Redevelopment or use of surplus public school sites should recognize and be sensitive to the density and character of the surrounding neighborhood. (Seven Steering Committee members) Redevelopment or use of surplus public school sites shall recognize and be sensitive to the density and character of the surrounding neighborhood. (Two Steering Committee members) Where it is in the community's interest to retain public recreation facilities in accordance with Parks and Recreation policies, and/or the childcare facilities policy, cluster development so that the public recreation or childcare use may be preserved. The following uses are allowed on school sites retained by the districts: housing and public and quasi-public uses, such as childcare programs; education, recreation, cultural programs and activities; and churches and religious institutions. See also NH-11 (Schools).
95-1	LU-12 (School Site Reuse or Redevelopment)	Petition requesting that "the housing assignments for these properties [Dixie school Board Offices at 380 Nova Albion Way and Terra Linda High School at 320 Nova Albion Way] be removed from the traffic model or be reduced to, at most, four units per property."	Response: Both school districts in San Rafael requested that the City reconsider the land use designations for school sites in order to allow them the opportunity to provide, at some future time, teacher and staff housing. In communities with a high cost of housing, such as San Rafael, school districts have found it difficult to recruit and retain qualified teachers. The Steering Committee agreed to change the land use designation for school sites from P/QP to a residential land use district, so that the School Districts could have the option of building housing should they wish to pursue it. For traffic modeling purposes, some residential development was assigned to various school sites in San Rafael, including the Dixie Board Office site and Terra Linda High School. The traffic model scenario is not an indication of approved growth – rather, it is a method to identify potential traffic impacts. Because the number of units modeled on the two sites is so small, the Traffic Engineer found that changing these development assumptions would not make a difference in the traffic model results. Staff does not recommend re-running the traffic model with different numbers, however, the Traffic Engineer has revised the Traffic Model, removing the 20 units shown for the Dixie School District Offices at 380 Nova Albion and placing them in the North San Rafael Town Center area. Neither the Dixie School District nor the San Rafael City School District have plans to develop housing on these properties. Identifying the amount of land available, land uses on the site, and type of units would be pure speculation. At a time when housing is proposed for a school site, policy LU-12 would set forth the City's direction regarding school site development for housing. No changes are recommended.	

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation						
PC 2/10/04 34-7 PH-43 PH-53 Staff	LU-13 (Building Heights) Exhibit 7 (Building Height Limits).	Marine related height should be restricted to the equivalent of one story in order to protect views and waterside access. Include Exhibit 7 showing building height limits citywide was not included in the January 9 th draft of <i>General Plan 2020</i> . Include General Plan 2000 policy statement for hotel height.	Response: Building heights were established in <i>General Plan 2000</i> , based on prevailing heights in the district. A one-story height limit would not be consistent with the type of structures typical in the Marine Related District, such as boat repair and boat storage. The community expressed during the planning process a strong desire to encourage redevelopment to improve pedestrian access and amenities along the waterfront. No change recommended. Staff notes that <i>General Plan 2000</i> policy provides for a four-story height limit for hotels citywide, with a one-story height bonus. The four-story height limit was unintentionally not carried forward in the land use policy for hotels. The recommended edit, together with the edit to Exhibit 9 below, restore the direction of current policy.	Edit. Add new Exhibit 7 (Building Height Limits) to show building height limits citywide, and add policy statement as shown: . . .						
PC 2/10/04	LU-14 (Height Bonuses)	Should note that the bonuses cannot be combined, but can only be used once per project. “. . . specific area in Francisco Blvd. West” Add reference.	Response: Height bonuses are not cumulative, so the policy should be amended to not allow more than one bonus for a project. Additionally, the last sentence is an incorrect translation of current program FBW-f (Shopping Center Redevelopment) which allows for an <i>intensity</i> bonus, but not a <i>height</i> bonus. This should be part of policy LU-9 (Intensity of Nonresidential Development); see LU-9 above for edits.	Edit. Revise policy as shown: A <u>h</u> Height bonuses may be granted with a use permit for a development that provides one or more of the amenities listed in with a use permit consistent with Exhibit 9, provided the building’s design is consistent with meets the Community Design policies and design guidelines. No more than one height bonus may be granted for a project. Redevelopment of a specific area in Francisco Blvd. West may have an additional height consistent with the Neighborhood Element.						
PC 2/10/04 PH-120	Exhibit 9 (Height Bonuses)	The Planning Commission agreed on a 24-foot height bonus for affordable housing. Need to clarify the statement that hotels have a one story height bonus.	Response: <i>General Plan 2000</i> policy provides for a four-story height limit for hotels citywide, with a one-story height bonus. The four-story height limit was unintentionally not carried forward in the land use policy for hotels. The proposed edit and the edit to LU-13 above restore the direction of current policy.	Edit. Revise as shown: <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>North San Rafael Town Center</td> <td>42 feet 24 feet</td> <td>Affordable housing</td> </tr> <tr> <td>Citywide where allowed by zoning</td> <td>Up to 5 stories or 66 feet (+) 12 feet</td> <td>Hotel (1)</td> </tr> </table> (1)	North San Rafael Town Center	42 feet 24 feet	Affordable housing	Citywide where allowed by zoning	Up to 5 stories or 66 feet (+) 12 feet	Hotel (1)
North San Rafael Town Center	42 feet 24 feet	Affordable housing								
Citywide where allowed by zoning	Up to 5 stories or 66 feet (+) 12 feet	Hotel (1)								
Staff	LU-17a (Building and Automotive Services)	Provide Council the option to rezone the properties to a more beneficial use if proposed.		Edit. Revise program as shown. Continue to provide adequate sites for building, automotive and service industries in the appropriate zoning districts. <u>Sites with industrial and light industrial zoning may be redesignated and rezoned to a different land use with Council determination that the new use provides a substantial neighborhood or citywide benefit.</u>						
PH-51	LU-20 (Childcare)	Suggested wording to add “Childcare up to 14 is permitted”, so there is no need for conditional use permit.	Response: Revisions to childcare zoning regulations will be part of a forthcoming project to comprehensively review and update the Zoning ordinance.							

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
<p>PC 2/10/04 Staff</p>	<p>LU-21 (Hotels, Motels and Inns)</p>	<p>Make consistent with LU-14 above. In addition, staff recommends clarifying which zoning districts hotels are allowed with a Use Permit.</p>	<p>Response: See also Exhibit 9 above. In addition, the Commission has recommended the deletion of policy NH-80 (Possible Hotel Development), except that the last sentence of the policy should be added to LU-21.</p>	<p>Edit. Revise as shown: Encourage redevelopment and upgrading of existing motels and hotels. Visitor accommodations are a desired land use because they are a low traffic-generator and a high tax-generator, and because they have identifiable benefits to the neighborhood such as job training programs. With a Use Permit, allow hotels, motels and inns in most commercial, multifamily and industrial zoning and use districts. With a Use Permit, allow bed-and-breakfast inns in High Density, Medium Density and Large Lot Residential Land Use Districts. Hotels are not subject to floor area ratio requirements. The City Council may approve a height bonus for up to a five-story or 66 feet maximum hotel per LU-14 (Height Bonuses) if it finds that the hotel will be a significant community benefit and that the design is acceptable and consistent with City design policies and guidelines.</p>
<p>PC 2/10/04</p>	<p>LU-22 (Ministorage and Storage)</p>	<p>Revise the last sentence to state "FAR limits for the street front use shall apply."</p>	<p>Response: The recommended revision states more clearly that the district's FAR applies for ministorage projects in districts other than light industrial/office and industrial.</p>	<p>Edit. Revise as shown: In other land use districts, ministorage may be allowed in existing buildings, provided that the ministorage is not located along the street frontage and complies with the FAR limits allowable in the districts. FAR limits for the primary use apply.</p>

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
Staff	LU-24 (Land Use Map and Categories)	<p>Reorganize the first paragraph for better understanding.</p> <p>Note the density for the districts listed on page 40.</p> <p>Delete the hillside FARs and include them on the FAR maps.</p>		<p>Edit. Revise as shown: Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies; (See Exhibit 11). Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 10). All proposed projects must meet density and FAR standards (see Exhibit 5) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. <u>Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</u></p> <p>Designated FARs for different areas of the City are described as follows:</p> <p>1. Hillside Areas. Undeveloped commercial or industrial designated properties shall be limited to the following development intensities based on slope:</p> <ul style="list-style-type: none"> 1. Portions with less than 5% slope: 100% of FAR as applicable under sections b-g below. 2. Portions with slope of 5-15% slope: 50-75% of applicable FAR under sections b-g below. 3. Portions with slope greater than 15%-0.01 FAR. 4. Clustering of development is encouraged and may be required to avoid sensitive areas.
PC 5/19/04	Page 38, Exhibit 10, Land Use Categories	Add office uses on the upper floor of the Marine Related District		<p>Marine Related</p> <p>Water dependent businesses such as boat building; boat repair, sales and service uses; marinas; and boat charter services. Other uses that draw people to the waterfront that may be allowed include shopping centers, restaurants, hotels/motels, retail, and parks. Residential use is allowed as part of a mixed use project and non-marine related office use is allowed on the second floor and above.</p>

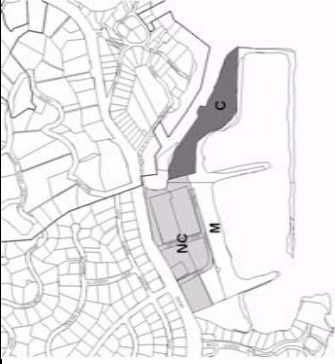
II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation			
175-1 187-1	Page 38, Exhibit 10, Land Use Categories	<p>The change to the Marine-Related designation would fundamentally change the characteristics of the designated properties as well as of those surrounding them. Such properties would become primarily residential. Modify the Draft General Plan 2020 regarding housing density for neighborhood commercial and marine-related designations.</p> <p>The changing of density of marine-related and Neighborhood Commercial land use areas is in conflict with Goal 1.</p>	<p>Response: In <i>General Plan 2000</i>, the Marine Related District is one of the most limited land use districts, in an effort to retain marine uses along the Canal. Residential use and non-marine related retail and office uses are not allowed in the Marine Related District (except for in a shopping center). In discussions about the future of the Canalfront, the Steering Committee recommended that medium density residential and retail uses be allowed in mixed-use development in order to maximize the opportunities that the waterfront offers, and to encourage redevelopment for improved pedestrian access and amenities. The waterfront is a desirable location for housing, and retail uses can provide activity and buildings that bring people to the Canal's edge. Because in the marine-related district residential would only be allowed on the second floor of a mixed-use building, the properties will not become primarily residential.</p> <p>The densities for the Neighborhood Commercial and Marine-Related Districts are not proposed to be 'changed.' The NC District has a medium density; the same is recommended for the Marine-Related District. Low density residential is typical of a detached single-family home, and is not consistent with mixed use development.</p> <p>The one proposed change that would affect potential density is a change to the zoning calculation for mixed use development. This zoning regulation was deleted in Downtown in 1996. Housing policy recommends removing this zoning calculation that has been a disincentive to mixed-use development. This change is not in conflict with Goal 1: Growth to Enhance Quality of Life. Providing for vitality and activity along the waterfront is consistent with the community's expressed desire to improve access along the Canal.</p>				
Staff	Page 38, Exhibit 10, Land Use Categories	Relocate the Public/Quasi-Public Land Use District (which allows residential use) to the Mixed-Use District listing.		Revise the Exhibit 10 by moving the Public/Quasi-Public land use district to the Mixed Use section, inserting the P/QP row between the "Office" and "Residential/Office" districts.			
40-1 PC 5/19/04 Staff	Page 38, Exhibit 10, Land Use Categories	<p>Allow residential-only development in the General Commercial and Hetherton Office districts.</p> <p>Clarify what allowed uses would be permissible in the Conservation District.</p>	<p>Response: Allowing residential in the GC and HO districts only if it's part of a mixed use project limits opportunities for housing development. These districts are similar to the Office district, where residential-only buildings are recommended. However, in the Hetherton District</p> <p>Staff agrees that the Parks/Open Space designation is not appropriate for the airport site. A new designation of Airport/Recreation is proposed to more accurately reflect the allowable uses provided by the restrictive land use covenant which exists on the property.</p>	<p>Edit. Revise as shown:</p> <p>General Commercial: General retail and services uses, restaurants, automobiles sales and service uses, residential, and hotels/motels. Offices as secondary uses except along Francisco Blvd. West where retail redevelopment is strongly encouraged. Residential use may be allowed as part of a mixed-use project.</p> <p>Hetherton Office: Office use; and ground floor retail, personal service, food service and live/work uses are allowed.</p> <p>Residential uses are allowed on the second floor and above.</p> <p>Residential and live/work uses are permitted on the upper floors on Fourth Street, and on the ground floor and above elsewhere.</p> <table border="1" data-bbox="1274 52 1469 606"> <tr> <td data-bbox="1274 325 1307 606">Airport/Recreation</td> <td data-bbox="1274 241 1307 325">0</td> <td data-bbox="1274 52 1469 241">Uses on this site are governed by a land use covenant agreed to by the City, the County, and the property owner. Recognize the unique and valuable recreational and environmental</td> </tr> </table>	Airport/Recreation	0	Uses on this site are governed by a land use covenant agreed to by the City, the County, and the property owner. Recognize the unique and valuable recreational and environmental
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II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
				<p>characteristics of the airport site. The following uses are allowed on the property:</p> <ul style="list-style-type: none"> ▪ <u>Uses consistent with the 2002 Master Use Permit, including the airport and ancillary airport services and light industrial uses.</u> ▪ <u>Private and public recreational uses.</u> ▪ <u>Public utility uses.</u> <p>[no change]</p>
				<p>Mineral Resources</p> <p>0</p> <p>[no change]</p>
				<p>Parks</p> <p>0</p> <p>[no change]</p>
				<p>Open Space</p> <p>0</p> <p>[no change]</p>
				<p>Conservation</p> <p>0</p> <p>[no change]</p>
				<p>Areas identified as having visual or other natural resource significance that should be protected through the development review process. The conservation designation is applied to environmentally sensitive areas that are part of a larger site of contiguous parcels under common ownership. Absent evidence that some portion of the area is appropriate for development, no development of residential, industrial or commercial buildings shall be allowed. The City will consider some level of intensity and density of development upon evidence that such use is appropriate. Upon evidence, the land use designation(s) may be revised through the General Plan amendment process.</p>

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation	
				Public/Quasi-Public	15-32 [no change]
PH-141	Page 38, Exhibit 10, Land Use Categories	Review the Cineplex idea with a careful eye. The Downtown should remain fun, attractive and nice.	Comment noted.		
PC 2/10/04 58-1 178-1 PH-126	Land Use Map	Include the Marin Ballet site (APN 15-101-02) in this exhibit with designation as Public/Quasi-Public.	Response: The Marin Ballet has requested that a Public/Quasi Public land use designation be given their property, rather than a residential land use designation. Marin Ballet does not intend to develop residential use on the site, and having a P/QP designation would recognize the long-standing use on the site, and allow the Ballet, at some future time, the opportunity to improve and expand their facilities. The Neighborhood Association has reviewed the request and submitted a letter in support.		Edit: Revise Land Use map to change the Land Use designation for the Marin Ballet property from Low Density Residential to Public/Quasi-Public.
PC 2/10/04 34-8 58-1 187-2 PH-50 PH-53 PC 6/23	Land Use Map	The Loch Lomond Marina site should have a land use designation of Marine, exclusive of conservation areas. A Wetland Overlay designation should also be included. The land use change of the Loch Lomond Marina to mostly Neighborhood Commercial encourages residential and does not support Goal 1.	Response: Loch Lomond Marina has two land use designations under the current plan: Neighborhood Commercial and Marine-Related. The site is proposed to have a conservation designation on the wetland areas, Neighborhood Commercial on a larger portion of the site, and Marine-Related on the remainder. The zoning district is proposed to include a wetland overlay designation. Changing the land use at Loch Lomond Marina to allow for a broader application of the Neighborhood Commercial District would allow more residential use than currently allowed. This change is consistent with Goal 1: Growth to Enhance Quality of Life because providing for vitality and activity along the waterfront is consistent with the community's expressed desire to improve access along the Canal. The Planning Commission recommends revising the Land Use Map for Loch Lomond Marina to show a larger Marine District, reducing the size of the Neighborhood Commercial District, to allow for day use boat trailer parking.		Edit: Revise Land Use Map for larger M District at Loch Lomond Marina to provide for adequate trailer parking for day use boaters.
17-1 18-1 31-1	Land Use Map	Object to the proposed redefinition of the area at the intersections of Third and Grand and Irwin as "downtown". Rezoning to allow more congestion is unacceptable to residents off of Pt. San Pedro Road.	Response: Irwin and Grand and other roads east of Highway 101 are not proposed to be in the Downtown Neighborhood. They will continue to be in the Montecito/Happy Valley Neighborhood. (See 15, San Rafael Neighborhoods.) The LOS recommended for Irwin, which is the off- and on-ramp for Highway 101, and for Grand which connects the Canal and Dominican neighborhoods with Downtown reflect traffic conditions in this congested area. See also comments under C-5 (Traffic Level of Service Standards). Land use changes to promote housing and development of Loch Lomond Marina as an attractive neighborhood center are consistent with the overall vision of the Plan for a diverse and livable community.		

II. LAND USE ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PC 7/8/04	Land Use Map	Revise the C designation for Grady Ranch to reflect approved project.		Edit: Revise the Land Use Map's land use designation for the Lucasfilm properties at Grady Ranch to reflect the approved project: 187 acres of C should be OS (Open Space) and 52 acres of C should be LJO (Light Industrial/Office) for 456,100 sq. ft. of film production, childcare and visitor accommodations.
PC 7/8/04	Land Use Map	Revise the C designation for the Laurel Glen Homeowner open space area to reflect the approved project.		Edit: Revise the Land Use Map's land use designation for the Laurel Glen Homeowner Association's open space to reflect the approved project. The open space is protected and no development potential remains on the site. The C designation should be OS.
47-1	Land Use Map, re. 1111 Pelican	<ol style="list-style-type: none"> 1. What is the FAR that will be allowed? 2. What is the traffic allocation for the site? 3. Are there any site-specific issues or restrictions being attached to this site? 4. If the owner should retire or relocate in a few years, are there any restrictions as to what he could do if he retained ownership of the parcel? 5. If he were to change uses or look for a different interim use for his site, would there be any restrictions? 6. If he were to sell his site, are there any restrictions or issues the new owner would face? 7. Under the General Plan 2020, are there any other developmental rights impacting Mr. Valentine's ownership? 	<p><i>Response:</i></p> <ol style="list-style-type: none"> 1. The FAR is on a sliding scale in East San Rafael; see Exhibit 5 of the draft Plan to calculate the FARs for office and light industrial uses. 2. The <i>Draft General Plan 2020</i> does not include traffic allocations. 3. There is no site-specific policy for 1111 Pelican Way. 4. The uses would be as described in the draft Plan, Zoning regulations, and any development permits and conditions that have been approved for the site. 5. Depending on the proposed use, a Use Permit (and General Plan/Zoning amendments) may be required. 6. Regardless of the ownership, the site is subject to General Plan policies, Zoning and subdivision regulations, and any development permits and conditions that have been approved for the site. 7. The question is unclear as to what "developmental rights impacting ownership" might be? 	
PC 2/10/04	LU-24c (Live/work Regulations)	Delete "used by the owner".		Edit. Revise as shown: Revise live/work zoning regulations to ensure that live/work units are appropriately designed and used by the owner for combined residential and business.

III. HOUSING ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
53-1 62-1 145-1 PC 2/24/04	Housing Policies and Programs	<p>Legal Aid of Marin and the San Rafael Chamber of Commerce submitted letters about the following:</p> <ol style="list-style-type: none"> 1. There aren't specific housing sites identified. 2. There should be a information about zoning districts and minimum densities and development standards 3. Need to reflect density bonuses as specified in State law. 4. Concerns about the housing projections for second units, zoning constraints for mixed use development, and traffic impacts. 5. Suggestion that Canalways be considered further. 	<p>Response:</p> <ol style="list-style-type: none"> 1. Specific lists identified in the Housing Background (Appendix B) include Dominican University, Marin Square, Marin Rod and Gun Club, Marin County Civic Center, 38 industrially-zoned properties around Davidson Middle School, 17 commercially-zoned lots in the Northgate shopping area, and 9 City-owned public parking lots Downtown that are available for air-rights development. 2. Zoning information is listed in the Housing Background, pages 338 (zoning standards), 339 (parking standards), 352-3 (Potential Housing Sites, last column), and 354-6 (evaluation of specific sites and areas). In addition, density ranges are listed on pages 38-9, height limits on pages 29 and 31, and height bonuses for affordable housing on page 32. 3. Policy H-21 on page 62 states "Provide a density bonus above the density allowed in the Land use Element consistent with State law." A Zoning Ordinance amendment to implement this is part of the General Plan/Zoning proposal. 4. The estimates of available sites for affordable housing is based on surveys of owners of second units and densities up to 62 units/acre in mixed use districts. Re. the suggestion that mixed use development requires a four story height limit to achieve densities of 25+ units/acre: San Rafael has many examples of three story development at this density range, including the Highlands, the Gables, Boyd court, and Lone Palm Apartments. The FAR limits on mixed-use housing are proposed for deletion. CEQA requires analysis of parking impacts. 5. Of 37 sites studied by the Steering Committee for housing, Canalways ranked last due to environmental constraints, its low elevation, the lack of traffic capacity, and high infrastructure costs. The Planning Commission recommends no change to the draft Plan's policies for the site. 	
138-1	Housing Element	<p>Would like to know how and when staff plans to address March 12 letter from HCD.</p>	<p>Response: On March 12, the California Department of Housing and Community Development (HCD) responding the San Rafael's draft revisions to the draft Housing Element. HCD's letter asked for further information about potential housing sites. A letter will be sent to HCD with the revised Draft Housing Element after the Planning Commission adopts a Resolution of recommending the draft Plan (including edits to the Housing Element) to the City Council. See attached draft revision to the Housing Background, which includes more information about potential housing sites.</p>	
77-3	Housing Policies and Programs	<p>GP2020 Housing Element lacks balance in regards to affordable housing. Affordable housing must</p>	<p>Response: San Rafael has both a legal and practical need for affordable housing. To achieve state certification of our Housing Element we must</p>	

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		be balanced against retaining appeal and affordability of market rate housing which must subsidize affordable units.	address ways of achieving 52% of our future housing increases at sales or rental rates affordable to those of moderate, low and very-low income levels. On the practical side, the vision expressed by the public at the outset of the General Plan process ranked the retention of a diverse community as their highest goal. In the City's bi-annual survey of registered voters, traffic congestion and lack of affordable housing are the two highest ranked concerns. During the height of the economic activity in the late 1990's businesses were unable to recruit retail and service workers within Marin, which then adds to commute traffic. Economic studies have indicated that market rate housing does not subsidize affordable units. The requirements for affordability in new residential development is internalized as a project cost which is reflected with other fees in what a developer can pay to purchase a development site. Also, the regional housing market sets sale and rental prices for housing, and prices cannot be higher in a City which has an inclusionary requirement compared to one which does not.	
77-4	Housing Policies and Programs	GP2020 should encourage small pocket development. A stronger focus on creative or relaxed conformity standards for existing stock might expedite getting units we already have safe and counted.	Response: The draft General Plan does encourage small scale development or redevelopment, and in fact the majority of housing increases modeled are small projects. It is unclear what is meant by focusing on creative or relaxed conformity standards for existing housing stock. If this refers to legalization of second units, both the City Council and neighborhood associations agreed that there should not be different standards for those proposing new, code-complying units versus those wishing to legalize units built without permits or regard for construction codes.	
PH-88	Housing Policies and Programs	Comment about rental issues not covered in the Housing Element.	Response: Mr. Gladstone asked questions regarding rental rates, monthly income of renters, discrimination claims, apartment occupancy rates, the fairness of rental deposits, etc. for which the City has no data. His request – that the City enact rent control, was considered in 2001 as part of the City's public process on raising rents.	
Staff	Housing Needs, page 46	Include 'quantified objectives' at the end of the first paragraph		Make edit to last sentence of the first paragraph on page 45: A detailed examination of San Rafael's housing need, housing supply, cost of housing, population, and household characteristics and <u>quantified objectives</u> to meet those needs is provided in Appendix B.
Staff	What kind of housing is needed?', page 46	Under third bullet, replace "moderate and below income" with "very low, low and moderate income"		Make edit to third bullet. <ul style="list-style-type: none"> Smaller and attached for-sale units affordable to moderate and below <u>very low, low and moderate</u> income households.
PC 2/24/04	H-3 (Design that Fits into the	Add "minimize" effects.		Edit: Revise as shown. Respect existing landforms and <u>minimize</u> effects on

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	Neighborhood Context)			adjacent properties.
PC 2/24/04	H-3a (Design Concerns of Single-Family Homes)	Add "and other" impacts.		Edit: Revise as shown. Examine and amend, as needed, zoning regulations and guidelines for single-family homes to address concerns about bulk, height, setbacks, and privacy and other impacts of new homes and of additions to existing homes.
PC 2/24/04	H-4a (Neighborhood Meetings)	Add information about Council resolution about neighborhood meeting process. Add cross references to CD-16a (Notification and Information about Development Projects)		Edit: Revise as shown and add reference. Continue to require neighborhood meetings, as provided for by City Council resolution for <u>Neighborhood Meeting Procedures</u> , for larger housing development proposals and those that have potential to change neighborhood character. See also CD-16a (Notification and Information about Development Projects) and G-7b (Review of Facilities Proposed by Other Public Agencies).
12-1 PH-55	H-9b (Trust Fund for Housing)	Use language that includes the intent to explore and establish funding based upon a Real Estate Transfer Tax or other dedicated revenue sources.	Response: Staff believes that it is premature to suggest a possible funding source for this trust fund.	
12-2 PH-55 PC 2/10/04	H-9c (In-Lieu Fees for Affordable Housing)	In lieu fees should be sufficient to cover the actual cost of building or purchasing affordable housing. Consider tightening ordinance. How much will the City gain from the Jobs/Housing In Lieu Fee?	Response: The in-lieu fee will be calculated annually, or periodically, based on current economic conditions. The draft Affordable Housing Ordinance specifies that the in-lieu fee would be based the difference between the full costs of constructing a unit and the monthly housing costs payable by a average of very-low, low and moderate income households. If all projected non-residential development through the year 2020 opted to pay the proposed jobs/housing in-lieu fee, rather than providing on-site units, it is estimated that \$3 million in fees would be collected, in today's dollars.	
PC 2/24/04	H-11a (Apartment Inspection Program)	The policy should state "three units or larger" in size.		Edit: Revise as shown. To assure safe living conditions, continue to enforce housing codes for all apartment projects over three units or larger in size.
Staff	H-11e (Construction Codes)	Does this refer to new construction codes or the General Plan? What could the City do if a code affects affordability?	Response: The policy was suggested as a way to be informed of the cost created with the adoption of updated building codes. However, there is nothing the City can actually do to mitigate any increased costs. Building codes are mandated by the State, and the City does not have the ability to adopt less stringent standards (in some cases, it can adopt <i>more</i> stringent	Edit: Delete program H-11e (Construction Codes).

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Comment #	Policy/Program	Comment	Response	Recommendation
PH-67	H-12 (Illegal Units)	Mechanisms are not in place to abate illegal units.	Response: Over the past ten years, the Community Development Department has refined the Zoning Ordinance regulations to include enforceable enforcement tools, including an improved hearing process and increased fines. Today, the Code Enforcement Officers have a comprehensive set of procedures to investigate illegal units. A property owner has the option to apply to legalize an illegal unit. If the unit is not legalized, Code Enforcement will pursue abatement (including removal of plumbing and electrical lines) and fines.	
PC 2/24/04	H-13 (Special Needs)	Say "provided" instead of encouraged; add reference to Federal law.		Edit: Revise as shown. Accessible units shall be encouraged provided in projects, consistent with State and Federal law.
PC 2/24/04	H-13b (Adaptive Housing)	Add reference to Federal law.		Edit: Revise as shown. Ensure compliance with State and Federal requirements for accessible units.
Staff	H-14 (Innovative Housing Approaches)	Add a program reference for policy H-14 to program LU-2a (Development Review).		Edit: Add after program H-14f the following program reference. See also LU-2a (Development Review).
Staff	H-14d (Zoning for Live/Work Opportunities)	Revise the implementation year for the review of zoning regulations for live/work units because this project is not expected to begin until a later date.		Edit. Revise as shown: Timeframe; Short Term (20064)
PC 2/24/04	H-14e (Single Room Occupancy (SRO) Units)	Clarify that the policy intent is to have parking standards for SROs, and not to eliminate the SRO parking requirement		Edit: Revise as shown. Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards for SRO apartments , in multifamily and mixed-use districts in recognition of their small size and low impacts.... Change the Timeframe from 2004 to 2006.
Staff	H-14e (Single Room Occupancy (SRO) Units)	Revise the implementation year for the review of zoning regulations for SROs because this project is not expected to begin until a later date.		Edit. Revise as shown: Timeframe; Short Term (20042006)
53-4	H-17b (Affordable)	Market rate senior housing should	Response: All senior housing projects will be subject to PSP as proposed.	

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Comment #	Policy/Program	Comment	Response	Recommendation
	Housing for Seniors through the Project Selection Procedure)	not be exempt from the PSP process.	There are preemptions in state law that may preclude affordability requirements in senior housing developments, but inclusion of senior housing in the PSP process would provide priority for senior projects that do provide affordability.	
Staff	Exhibit 14 (Affordable Housing Needs)	Update the table showing San Rafael's housing need, units under review, and remaining need.		Edit. Replace Exhibit 14 with attached table (see end of this section).
29-1 53-3 107-1 PH-44 PH-54 PC 2/24/04 PC 7/8/04	H-18a (Efficient use of Multifamily Housing Sites.)	There should be no minimum density for projects. Promote the production of housing. There should be some minimum densities in the zoning. Apply this policy only to residential-only projects, and not to mixed-use projects, as it may be a disincentive to residential mixed-use projects. Delete 'well-designed' as this is covered in the Community Design Element. Opposed to deleting "well-designed". Language should be clarified to indicate that phased housing developments will be completed. Identified housing sites must have specified minimum densities, environmental review and design standards in place to facilitate housing development.	Response: Program H-18a directs the amendment of zoning regulations to require that housing proposals be at least at the minimum density of the applicable density range, with encouragement of development at the mid- to high-end of the density range. Staff notes that for each residential land use district, there are discreet zoning districts, including ones that cover the low end of the density range for each district. To avoid an inconsistency with the Zoning Ordinance, the program should be edited to apply to 'zoning' (and not land use) districts. In addition, the program will be applied through the development review process and does not require a zoning amendment. Design guidelines are proposed for adoption along with numerous site-specific design policies to provide direction to applicants, staff and decision-makers. 'Well-designed' may be deleted in this policy, as this phrase is unnecessary given the Community Design policies, Design Guidelines, and the City's design review process. The Draft Environmental Impact Report for General Plan 2020 is a program EIR, which will not be an adequate level of environmental review to suffice for specific development applications. Since there is little remaining traffic capacity and our roadway system is very dependent upon the specific location and timing of future growth, the EIR's traffic modeling is somewhat speculative in nature and would not be adequate for project level environmental review.	Edit: Revise program H-18a as shown. Amend the zoning ordinance to indicate that residential-only well-designed projects should be approved at the mid- to high-range of general-pleasur zoning densities. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed. Add reference after program H-18j (Marin Municipal Water District (MMWD) Fees): See also LU-2a (Development Review).
PH-84	H-18a (Efficient Use of Multi-family Housing Sites)	Make consistent with LU policy.		Edit. Amend the zoning ordinance to indicate that well-designed residential-only projects should be approved at the mid- to high-range of General Plan the zoning district densities.
Staff	NEW program H-18a (Affordable Housing Sites)	Staff recommends adding a program regarding adequate sites.		Edit: Add a new implementing program, and renumber the subsequent programs under policy H-18: H-18a Affordable Housing Sites. Encourage residential development in areas appropriate and

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				feasible for new housing. These areas are identified in Appendix B, Housing Background, Summary of Potential Housing Sites. Responsibility: Community Development, Economic Development Timeframe: Ongoing Resources: Staff time
PC 2/24/04	H-18b (Rezoning of Commercial Sites) H-18c (Underutilized Sites)	Combine these two nearly identical programs.		Edit: Combine H-18b and H-18c to read as follows: H-18b Rezone and Reuse of Commercial Sites. Rezone retail, office and some industrial sites to allow residential use and encourage adaptive reuse of vacant buildings with residential/mixed uses. Encourage residential use that does not eliminate or impact existing successful land uses.
PC 2/24/04	H-18d (Underutilized Public and Quasi-Public Lands for Housing)	Revise consistent with proposed land use map changes.		Edit: Revise as shown. H-18d Underutilized Public/Quasi-Public Lands for Housing. Redesignate and rezone school sites from public/quasi-public land use districts to allow residential use. Provide developer and financing information to encourage housing development of underutilized school district sites.
PH-44	H-18d (Underutilized Public and Quasi-Public Lands for Housing)	Comment in reference to zoning of public lands for housing. Open space is public land and it is not viewed as excluded.	Response: This policy does not apply to lands designated Open Space in the General Plan; these are publicly or privately owned open space and have no housing potential.	
54-1 138-6 PH-120	H-18d (Underutilized Public and Quasi-Public Lands for Housing)	Would like additional time to consider the appropriate number of housing units for the Nova Albion School site. The densities for Nova Albion School sites should not be lowered.	Response: The <i>General Plan 2000</i> land use designations for the school sites on Nova Albion are Low Density Residential. The Steering Committee did not recommend a change to this current designation. A lower density would be large lot or hillside designation. Large lot development would be inconsistent with the School Districts' desire to have the option to develop at some future time affordable housing for their teachers and staff on one or more of their school sites. No change is recommended.	
Staff	H-18f (Revisions to Parking Standards)	Add reference to C-29 program and change implementation year to 2006.		Edit: Revise program year, and add reference to similar program in policy C-29. Timeframe: Short Term (20046) See also programs under policy C-29 (Better Use of Parking Resources).
PC 2/24/04	H-18f (Revisions to Parking Standards)	Revise to state "study" these issues, add in reconsideration of		Edit: Revise as shown.

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		compact space standards, and change the implementation timeframe.		<p>Review parking standards, and amend the zoning ordinance to allow for more flexible parking standards for desirable projects. Issues to study include which exists the following:</p> <ul style="list-style-type: none"> a. Examination of parking issues in neighborhoods with congested on-street parking. b. Reduced parking requirements for projects in close proximity to a transit stop. c. Tandem parking. d. Compact parking requirements. e. Shared parking for mixed use. f. A dedicated parking reserve designated for parking if needed in the future, but in the interim, the area is landscaped or used as a lot or gardens. g. Designated, secure bicycle parking areas. <p>Timeframe: Short Term (20042006)</p> <p>Edit: Revise as shown, to insert a new fourth sentence. Require residential projects to provide a percentage of units for below market rate (BMR) housing, as indicated below. Provide units affordable at below market rates for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical, the City will consider other alternatives...</p>
PH-84 PC 2/24/04	H-19 (Inclusionary Housing Requirements)	Add a statement that units should be dispersed throughout the site as much as possible.		
12-3 PC 2/24/04	H-19a (Inclusionary Requirement by Project and Size) (1) and (2)	Consider an in-lieu fee for one to four units. Need to clarify how whether one affordable unit will be for very low, low or moderate-income households.	Response: The draft Affordable Housing Ordinance is being revised to require an in-lieu fee for construction of 1-4 units, including a size threshold to encourage smaller, more affordable units.	
PH-142	H-19a (Inclusionary Housing); Affordable Housing Ordinance	A study will be submitted showing that multifamily housing is not appropriate and the top priorities should be retaining industrial and commercial areas as well as enhancing the economic tax base of this community. There should be more transportation demand management on projects.	Response: No study provided. Comments noted.	
PH-143	H-19a (Inclusionary)	1. Studies have shown that	Response:	Edit: Revise the Inclusionary Requirements in section

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Comment #	Policy/Program	Comment	Response	Recommendation								
	Housing; Affordable Housing Ordinance	<p>large homes create far more trips that affordable housing. There should be a method for developers of fewer than 5 units to pay a fee.</p> <p>2. Suggested edit “density bonus shall be granted”.</p> <p>3. Define a “significant number”.</p> <p>4. What is the bonus given for “applicable regulations”?</p> <p>5. Support 20% affordability.</p> <p>6. On motel/hotel section, staff should not include square-footage for meeting facilities because they would not generate jobs.</p>	<p>1. The revised draft ordinance includes a provision for payment of a fee for new homes that exceed 1,800 sq. ft. in size.</p> <p>2. This edit has been included in the Affordable Housing Ordinance.</p> <p>3. The numbers are defined in subsections (a) and (b) – either compliance with the four criteria in state law or the City’s 50% requirement for bonus units.</p> <p>4. It is unclear where this quotation is taken from. It does not occur in the draft ordinance. Program H-21b identifies examples of development standards that could be waived, based on an application and justification from the developer.</p> <p>1. Comment noted.</p> <p>2. Meeting facilities typically do require an increase in staffing for food service or room set-up.</p> <p>The table showing the affordable housing requirement is edited consistent with the Commission’s recommended Affordable Housing Ordinance.</p>	<p>(a) to show “1 – 10 units” and add footnote regarding zoning exemptions for smaller units.</p> <table border="1" data-bbox="365 144 560 640"> <thead> <tr> <th data-bbox="365 144 446 388">Project Size</th> <th data-bbox="365 388 446 640">Percentage of Affordable Housing Units</th> </tr> </thead> <tbody> <tr> <td data-bbox="446 144 479 388">5-10 Housing Units*</td> <td data-bbox="446 388 479 640">10%</td> </tr> <tr> <td data-bbox="479 144 511 388">11-20 Housing Units</td> <td data-bbox="479 388 511 640">15%</td> </tr> <tr> <td data-bbox="511 144 560 388">21 or more Housing Units</td> <td data-bbox="511 388 560 640">20%</td> </tr> </tbody> </table> <p>* Exemptions for smaller units may be provided for in the Zoning Ordinance.</p>	Project Size	Percentage of Affordable Housing Units	5-10 Housing Units*	10%	11-20 Housing Units	15%	21 or more Housing Units	20%
Project Size	Percentage of Affordable Housing Units											
5-10 Housing Units*	10%											
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PH-144	H-19a (Inclusionary Housing); Affordable Housing Ordinance	<p>In-lieu fees are very modest in size and would not provide much. The commercial developer should be required to develop the affordable units.</p>	<p>Response: The economic analysis performed for the nexus study indicated that establishing a housing mitigation cost at 20% of the legally justifiable amount would not excessively burden new non-residential development. Requiring the full cost of constructing the affordable units would most likely stop new non-residential development. No other city that imposes housing mitigation fees requires anywhere near full mitigation for this reason. As noted, the proposed fee would be a contribution to the City’s affordable housing program.</p>									
PH-145	H-19a (Inclusionary Housing); Affordable Housing Ordinance	<p>In the end, all taxpayers would pay for affordable housing. When fees are added to the normal development fees it becomes expensive. Commission must review fees carefully because many people are struggling.</p> <p>Also, affordable housing should be in perpetuity.</p>	<p>Response: Economic studies have indicated that the costs of affordable housing requirements are treated like a cost of development, such as traffic fees or sewer connection costs, and result in reducing the value of the land purchased for development. Market rates (sales or rental) are established on a regional basis, and cannot be increased in a particular jurisdiction based on specific impact fees or development costs. If development costs exceed a point where units can be produced for a price which conforms to the local market, a project will not be built or financed.</p> <p>The new ordinance proposes affordability in perpetuity.</p>									
PC 2/10/04	H-19a (Inclusionary Housing); Affordable Housing Ordinance	<p>Would like to know more about the recommendation to require that 50 percent of units approved as a density bonus be affordable.</p>	<p>Response: Past approvals of housing projects with density bonuses have varied greatly in the amount of affordable housing gained vs. the number of bonus units approved. Staff believes that a requirement of 50% of bonus units being affordable is a significant gain in terms of affordable housing and is not unachievable for developers, particularly when</p>									

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			subsidies such as tax credits are obtained. This level of affordability equals roughly the cost of construction – half of the units would not provide a profit for the developer, but a profit would be made on the rest. Staff believes that any higher percentage of required affordability would remove the profit motivation.	
PC 2/10/04	H-19a (Inclusionary Housing); Affordable Housing Ordinance	Is 20 percent the right requirement? Should we consider the County's requirement of 25 percent?	Response: Based on the nexus study a fee five times that proposed by staff is legally justifiable. The study determined that the impacts of a fee set at 20% of the legally justifiable amount could be borne by businesses as a percentage of increased monthly rental rates or project construction costs. However, this analysis occurred during a better economic climate and prior to recent increases in building permit costs. Staff continues to recommend that the proposed fee be set at 20% of the legally justified amount.	
PC 2/24/04	H-20c ("At Risk" Units)	Revise "ensure" to reflect a reasonable level of implementation.		Edit: Revise as shown. Continue to identify and monitor assisted properties at risk of conversion to market rate housing and work with the property owners and/or other parties to ensure that these units are retained to the extent possible by the county's City's affordable housing stock.
53-5	H-21a (State Density Bonus).	The City must offer density bonuses consistent with state law or higher.	Response: Program 21a does require that we offer density bonuses consistent with state law. In addition, staff will propose in the Affordable Housing Ordinance that developers be given an option to utilize the state density bonus provisions or be allowed to propose bonus units if half are affordable.	
PC 2/24/04	H-21b (Exceptions for Density Bonus Development from Zoning Standards)	Consider adding 'neighborhood compatibility' to the list of criteria.	Response: The state law requires that "[in] no case may a [city] apply any development standard that will have the effect of precluding construction of a development meeting criteria of the [density bonus law] at the densities or with the incentives permitted by this section." (Gov. Code, sec 65915(e)). A "neighborhood compatibility" standard would need to be adopted, and it could not apply to densities standards if it would preclude construction with the densities permitted by the statute.	
Staff	H-22 (Infill Near Transit)	A reference to the Circulation Element policies and Transit Exhibit should be added.		Edit: Revise as shown. See NH-152 (residential Use near Civic Center Rail Stop), NH-60 Civic Center Design), NH-35 (Hetherington Office District), C-20 (Intermodel Transit Hubs) and Exhibit 21 (Transit Routes and Transit Hubs).
Staff	H-22a (Higher Density Infill Hosing Near Transit)	Edit the program.		Edit: Revise program as shown. Revise the Zoning Ordinance to be consistent with the General Plan to encourage higher density infill housing near transit service.

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Comment #	Policy/Program	Comment	Response	Recommendation
53-6	H-23 (Mixed Use).	Densities, height limits and parking requirements proposed for mixed use districts are not adequate to encourage such development. The height limit proposed for Neighborhood Commercial will not allow three story buildings.	Response: The height limit for Neighborhood Commercial includes an additional 6 feet for mixed use structures (Exhibit 7, p. 29), providing for a 36 foot (three story) building. Program H-18f (Revisions to Parking Standards) is intended to review parking standards to identify where the requirements are excessive. See also response to Housing Policies and Programs on page III.1 above.	
53-7	H-23b (Zoning standards to encourage mixed use)	Where will the zoning standards be applied?	Response: The zoning standards will apply in mixed use districts, which are listed in Exhibit 10 (Land Use Categories), page 38.	
PC 2/24/04	H-24 (Contributions Towards Employee Housing)	Define 'silent second mortgage' or revise policy	Response: The examples can be deleted because of the 'alternatives of equal value' phrasing.	Edit: Revise as shown. Require new nonresidential development to contribute towards affordable housing created by such development, such as provision of housing on- or off-site, "fit-fee" fees, returning housing assistance (client second mortgage such as rental assistance, etc.) or other alternatives of equal value.
PC 2/24/04 29-2	H-25 (Second Units).	Provide information about the owner occupancy requirement for second units.	Response: The City has required owner occupancy for second units since its regulations were adopted in 1986 as a means of assuring better oversight of the use of a second unit and maintenance of the property. The R-2 Duplex Residential District provides allowance for two rental units on a property without owner occupancy. Owner occupancy has been an important provision for homeowner associations and was reaffirmed as a requirement in the revisions to second unit regulations adopted by the City Council in July, 2003.	
53-8	H-25 (Second Units).	The number of second units projected to be built annually and their level of affordability are overstated.	Response: Staff believes the change in regulations for second units that were instituted in August 2003 have and will increase the numbers of second units constructed or legalized. Over the past six months the City has approved 12 second units, compared to an average of two second units approved annually over the last few years. The projected level of affordability is based on recent surveys of legal second units built in San Rafael since 1987.	
106-1	H-25 (Second Units).	Strongly object to changing the requirement of owner occupancy to single-family homes with a second unit.	Response: The Neighborhoods and Homes Task Group, as well as the Steering Committee, considered deleting the owner-occupancy requirement for lots with a second unit. By near unanimous consensus the members supported retaining the ownership requirement. Owner occupancy provides a sense of stability and care to the property, and oversight of the rental unit.	
Staff	Appendix B, Housing Background		The attached draft includes recommended edits, which are primarily a n update of the sites' table and a reformatting of the sites' descriptions into a	Edit: Replace a section of the draft Housing Background in Appendix B, beginning on page 351 with "Housing Units Built or Approved in San Rafael

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Comment #	Policy/Program	Comment	Response	Recommendation
53-1 62-1	Housing Element Background Report p. 352-53.	An inadequate number of specific housing sites have been identified (listed in the Summary of Potential Housing Sites)	more consistent and succinct narrative.	(1999-2007) and ending with "Office in Northgate Commercial Area" on page 356. The revised section is attached below, beginning with "San Rafael's Housing Need, 1999-2007 and Units built, Approved or Under Review in San Rafael," continuing through the "School District Sites"
PH-82 35-3	Appendix B, p. 353.	The acreage for Loch Lomond is less than that stated in table. 6.3 acres devoted to residential, not 10 acres.	Response: Since there are so few vacant sites remaining, the Steering Committee and staff had a difficult time identifying specific sites that are likely to be redeveloped with additional housing. For example, we anticipate a significant portion of our new housing to be built in the Downtown, but identifying specific sites where owners may wish to avail themselves of zoning allowances is very speculative. The Steering Committee started with an initial list of 87 possible sites for evaluation and prioritization. The Summary of Potential Housing Sites identifies five specific sites: Loch Lomond Marina, Dominican University, Marin Square, Marin Rod and Gun Club and the Marin County Civic Center. It also lists small groupings of possible sites for redevelopment due to increasing zoning opportunities for mixed use. These include 38 industrially zoned properties along Jordan and Irwin Streets, 17 commercially zoned lots along Las Gallinas, including the Northgate Mall and Northgate I and III shopping centers and 9 City-owned public parking lots in the Downtown.	
53-1	Appendix B, Housing Background	For housing development to occur at 25 units per acre, additional zoning flexibility is necessary, such as a 4-story height limit, reduced setback, landscape and parking requirements and exemption of traffic from housing in environmental review.	Response: The General Plan uses a 'gross acreage' measurement, meaning that public right-of-way is included. The 'net acreage' for development is used in the Zoning Ordinance, and typically reflects only the lot area (excluding roads). The Neighborhood Commercial area on the General Plan's land use map is approximately ten acres. The final development of lots will indeed be less than ten acres because it will not include roads and access ways.	
			Response: There are several examples of two or three-story housing developments in San Rafael which are near or exceed 25 units per acre: Ecology House (24 du/acre, 2 stories), The Highlands (26 du/acre, 3 stories), The Gables (32 du/acre, 3 stories), Boyd Court (75 du/acre, 3 stories), Lone Palm Apartments (72 du/acre, 3 stories), The Clocktower (mixed use, 77 du/acre, 3 stories). Height bonuses are also available in several land use categories for affordable housing (see Exhibit 9). Setbacks and landscape requirements are minimal, particularly in the existing and proposed mixed-use districts. Program H-18f calls for reconsideration of parking requirements for housing developments. However, it is unlikely that parking requirements in more suburban locations will be as low as those allowed in the Downtown which has proximity to transit and more non-traditional households. CEQA does not allow the exemption of traffic generated by housing developments in considering the significance of project impacts.	

III. HOUSING ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PH-128 98-4	Appendix B, Housing Background	The neighborhood areas should not suffer a disproportionate increase in affordable housing. Public hearings and monitoring of affordable housing should take place. There should be more sites for affordable housing.	Response: One of the initial objectives of the General Plan Steering Committee was to spread increases in housing throughout all of the areas of the City. Affordable housing units are contained in all housing developments of 10 or more units for the purpose of distributing such housing throughout market rate developments. Public hearings do occur during the review and approval of new housing developments, and the number of affordable units and the level of affordability are identified. City staff does monitor resales and occupancy of rental units within our affordable housing supply.	
Staff	Quantified Objectives Table, page 358			Edit: Edit the table by changing the title to “Quantified Objectives, 1999 - 2007”, deleting the H-17b line (program is no longer in the plan), and revising the totals accordingly.
53-2	Quantified Objectives Table, page 358	There will not be adequate Redevelopment funds to achieve the number of affordable units listed in the Quantified Objectives table (p. 358).	Response: The Quantified Objectives table addresses anticipated housing gains between 1999 and 2007 and therefore includes units which are already built such as the Rafael Town Center and the Lofts at Albert Park. Redevelopment funds are typically not the only source of funds to create affordability, and are often combined with other subsidies such as tax credits.	

Revised Housing Background (General Plan 2020 Appendix B) on Housing Sites

San Rafael's Housing Need, 1999-2007 and Units Built, Approved or Under Review in San Rafael [Exhibit 14 and Exhibit on page 351 of Appendix B of draft Plan]

	Very Low Income	Low Income	Moderate Income	Moderate Income*	Affordable Housing Total	Market Rate	Total
Regional 'Fair Share' Housing Need (1999-2007)	445	207	562		1,214	876	2,090
Housing Units Built (1999-2003)	24	43	286		353	285	638
Housing Units Approved or Under Review (1999- <u>mid_2004</u>)	3	34	24		61	463	524
Remaining Units Needed	418	130	252		800	128	928

(1) * Includes units affordable under specific programs (i.e., inclusionary housing) rental housing, and housing with a density over 25 units/acre.
Source: City of San Rafael Community Development Department

Summary of Potential Housing Sites (2004-2007) [on page 352 of Appendix B, Housing Background]

	Density	Very Low Income	Low Income	Moderate Income	Total Affordable Housing Potential (1)	Market Rate	Total
<u>Sites Currently Available</u>							
<u>Single-Family Homes Sites and Second Units</u>							
Single-Family Lots (Citywide)	0.1 – 6.5 u/a	0	0	0	0	159	159
New or Legalized Second Units (34 units/year)	NA	26	26	50	102	0	102
Subtotal		26	26	50	102	159	261

	Density	Very Low Income	Low Income	Moderate Income	Total Affordable Housing Potential (1)	Market Rate	Total
Multifamily Residential Sites							
Various Medium Density Sites	6.5 - 15 u/ac				57	19	76
Various High Density Sites	15 - 32 u/ac				2590	0	2590
Subtotal					<u>147122</u>	19	<u>166141</u>
Mixed-use Sites							
Downtown (100 units/year)	15 - 62 u/a 25+ u/ae				300	0	300
Public Parking Lots Downtown (Air Rights Dev.)	15 - 62 u/a 25+ u/ae		50	0	50		50
Loch Lomond Marina	6.5-15 u/a 10+ u/a				20	8079	10099
Neighborhood Commercial	6.5-15 u/ac				30		30
Subtotal					<u>40050</u>	<u>8079</u>	<u>130479</u>
Nonresidential Sites to be Redesignated and/or Rezoned with Adoption of General Plan 2020							
Dominican University	To be determined				40		40
Marin County Civic Center (see Policy N-61)	To be determined				200		200
Industrial/Light Industrial Area Around Davidson Middle School	6.5-15 u/ac				15		15
General Commercial District in Northgate Commercial Area Town Center	15-32 u/ac				200		200
Office District in Northgate Commercial Area Town Center	15-32 u/ac				70		70
Lincoln Avenue Park and Ride Lot	15-32 u/ac				22		22
Light Industrial/Office on Medway/Vivian Area	6.5-15 u/ac				15		15

	Density	Very Low Income	Low Income	Moderate Income	Total Affordable Housing Potential (1)	Market Rate	Total
Subtotal					<u>485562</u>		<u>500562</u>
TOTAL HOUSING UNIT POTENTIAL					<u>1,109,211</u>	<u>273258</u>	<u>1,382,468</u>
2004-2007 Remaining Housing Need					800	128	9278
<u>Other Sites Pending Longer-Term Considerations (Beyond 2007)</u>							
Light Industrial/Office; Public/Quasi-Public Near Civic Center Rail Station	15 - 32 u/ac				150		150
Marine Sites Along the Canalfront	6.5 - 15 u/ac				25		25
Marin Rod & Gun Club	15 - 32 u/ac				96		96
Marin Square	15 - 32 u/ac				202		202
School District Sites	15 <u>Varies by site</u>				40		40
TOTAL					513		513

(1) Specific Programs; Rental Housing; or Sites with a density over 25 units/acre.

EXHIBIT 2

Revised Housing Background (General Plan 2020 Appendix B) on Housing Sites

Evaluation of Specific Sites and Areas for Housing During the Timeframe of the Housing Element (1999-2007)

The exhibit above demonstrates that San Rafael, with lots currently available and with those areas pending rezoning concurrent with the adoption of the new Housing Element, has sites capable of providing 541 units above the remaining total housing need. In addition, San Rafael has sites that will provide 360 units above the remaining affordable housing need.

Below is a discussion of each of the areas or sites, as identified in the tables above, that will provide opportunities for the City to meet its regional housing needs. The development potential shown in the tables above is based on the properties' availability for development, land use designations, ownership, size and other physical characteristics, and relative lack of environmental constraints. All of these factors are important in assuring a site is available during the regional housing needs planning period (through June, 2007). Sites pending longer-term considerations will most probably be available after 2007. Because San Rafael is currently nearly fully developed within its municipal boundaries, each of the below-listed sites (unless otherwise noted) has adequate access to transit and job centers, as well as public and community services.

Single-Family Sites and Second Units (Currently Available)

- **Single-Family Sites.** There are approximately 159 vacant single-family lots in San Rafael. Many have access and physical constraints, such as steep hillsides and narrow roadway access, which must be addressed as part of the site's development approval.
- **New or Legalized Second Units.** Based upon recent revisions to its Second Unit Ordinance that reduce the time and cost of adding second units to existing single-family lots, San Rafael anticipates a significant increase in the number of second units that will become available in the housing market during the housing planning period covered in this Housing Element. For example, in the first six months since the amendments to the City's Second Unit Ordinance, twelve (12) second units have received building permits, compared with none during the previous six-month period. In addition, the number of inquiries regarding second unit construction and availability has increased substantially. Pursuant to *San Rafael General Plan 2020* Housing policies H-12 (Illegal Units) and H-25 (Second Units), staff will actively promote and provide technical assistance to property owners seeking to construct second units.

Based upon the above-described upward trend in second unit construction, coupled with the availability of approximately 9,000 single-family homes that meet the minimum lot size criteria of 5,000 square feet, the City conservatively estimates that thirty-four (34) second units per year will be built and/or legalized during the time frame of this Housing Element. A recent survey conducted by the City of San Rafael demonstrates that half of the legal second units in San Rafael are currently rented at very low and low-income affordability levels. Based on this information, the City conservatively estimates that 25 percent of the new or legalized second units will be affordable to very low income households, 25 percent affordable to low income households, and the remaining 50 percent affordable to moderate income households.

Finally, because these units will be added to already existing single-family home developments, they will have ready access to all essential public facilities and services.

Multifamily Sites (Currently Available)

- **Medium and High Density Sites.** *San Rafael General Plan 2020* has designated, and the City has zoned or will zone concurrent with adoption of *General Plan 2020*, 563 net acres of land for Medium Density Residential use and 279 net acres of land for High Density Residential use. Multifamily housing is allowed by right in medium and high density zoning districts. The City has identified approximately six (6) vacant sites large enough to accommodate new medium and high density residential developments, including:

225 Picnic Avenue – This three-acre medium density site is zoned MR3, or 1 unit per 3,000 square feet of lot area, and could therefore accommodate approximately 44 housing units. The site is bordered by high-density condominiums and single-family residences. The topography of the site is gently sloping near the road with a steep slope and plateau behind. A new housing development at 225 Picnic would be subject to San Rafael’s proposed increased inclusionary zoning requirements and could also qualify for density bonuses (above and beyond state requirements) thereunder. The site also provides ready access to all essential public facilities and services.

Former San Rafael Sanitation District Site – This 2.5-acre site on the west side of Windward Way is zoned MR-2, allowing 1 unit per 2,000 square feet of lot area, and could therefore accommodate approximately 54 housing units. The site would be subject to the City’s proposed increased inclusionary zoning requirements, and could also qualify for density bonuses (above and beyond the state requirements) available thereunder.

Lincoln Avenue Site (adjacent to Caltrans Park & Ride lot) – This high density, ¾-acre site is zoned HR 1.8, or 1 unit per 1,800 square feet, allowing for approximately 18 housing units. The site is currently vacant and is located adjacent to the CalTrans Park & Ride lot near the Highway 101 on-and-off ramps at the top of Puerto Suello. The development would be subject to San Rafael’s proposed increased inclusionary housing requirements, and would potentially qualify for density bonuses (above and beyond the state requirements) available thereunder.

Elks Club – The Elks Club site on Mission Avenue has approximately three level acres of land behind an existing building. Currently zoned Planned District (PD) for greater flexibility, this site is currently has a high density land use designation, allowing for 45 to 96 units. Development of this site would be subject to San Rafael’s proposed increased inclusionary zoning requirements, and could qualify for density bonuses (above and beyond the state requirements) available thereunder.

San Rafael City School’s Corp Yard. This 2.6-acre site is zoned for high-density residential use, and could support from 39 to 83 housing units. The San Rafael School District is actively pursuing a Request for Proposal to develop an affordable housing project at this location.

The City estimates, based upon recent development trends and activity, that approximately 75% of the available medium density sites will be developed for rental housing, as will approximately 100% of the available high density sites. Both medium and high density sites will be required to provide for very low, low, and moderate housing through application of San Rafael’s proposed increased inclusionary zoning requirements (*General Plan 2020* policy H-19), and may qualify for subsidies or other additional incentives to help promote the development of additional affordable housing units (*General Plan 2020* policies H-9, H-14, H-17, H-18, H-21, H-22, and H-23).

Mixed-Use Sites (Currently Available)

- **Downtown Housing.** San Rafael's Downtown area is currently zoned to accommodate mixed-use projects at a range of housing densities. Densities between 32-62 units/acre are allowed in the Fourth Street Retail Core (14 acres), Second/Third Street Mixed-use (37 acres), and Hetherton Office areas (6 acres). Other areas in Downtown allow densities between 15-32 units/acre (see table LU-3). Such mixed-use development projects are supported by General Plan 2020 Policies NH-21, EV-13, H-18, H-21, H-22 and H-23. As an urban area served by transit, Downtown has the lowest parking requirements in San Rafael. In addition, General Plan policy LU-14 allows for a one-story height bonus in Downtown for qualifying projects that include an affordable housing component. For example, the recently built 113-unit Rafael Town Center received a 12-foot height bonus for an increase in the number of affordable housing units.

Based on past development activity, increased incentives for housing, redevelopment opportunities, and property availability, the City estimates that approximately 10 percent of the housing development potential in downtown could occur during the planning period of the Housing Element (100 units per year through 2007 at densities over 25 units/acre). Recent project inquiries in Downtown have proposed several high density housing developments, including consolidating three sites currently housing bungalows for an approximately 14-unit apartment project, redeveloping an iron works shop into an approximately 50-unit project, changing an existing project approval from office development to an approximately 50-unit project, and building a housing project on a bank parking lot. Each of the above-proposed projects would be subject to the City's proposed increased inclusionary zoning requirements, and could qualify for density bonuses (above and beyond state requirements) available thereunder.

- **Public Parking Lots Downtown.** There is the potential for over 300 units to be developed over the nine downtown public parking lots. Housing policy H-18 and Program H-18e support this type of "air rights" development. One-third of the potential units could be built during the timeframe of the Housing Element (to 2007), with all affordable to moderate-income households or below.
- **Loch Lomond Marina.** The site is currently designated as Marine Related (no residential permitted) and Neighborhood Commercial (residential use allowed at 6.5 to 15 units/acre). It currently has a marina and yacht club, a boat launch and day use parking, and neighborhood retail and service uses, including a neighborhood market. Approximately nine gross acres of this underutilized site could be used for housing. At a density of 11 units/acre, 99 units could be built, with 20 percent of those units affordable at below market rate per the City's inclusionary housing requirements (see Policy H-19). General Plan 2020 changes include 1) a smaller area of the site designated as Marine Related and a concurrent larger area designated Neighborhood Commercial, and 2) an increase of six feet in building height to 36 feet for a mixed use building in the Neighborhood Commercial District.

The Loch Lomond Marina is adjacent to several single-family neighborhoods that have concerns that the medium density would be in conflict with existing development patterns. The site is zoned PD (Planned District)-WO (Wetlands Overlay), which allows for the greatest site design flexibility and for protection of the wetlands on the perimeter of the lot. An application for a two-phase 88-unit project with single-family homes, town homes, and apartments, as well as a new retail/office building was submitted winter 2004, and environmental review is underway.

- **Neighborhood Commercial.** *San Rafael General Plan 2020* designates 38 net acres of land for Neighborhood Commercial use, with potential for over 250 additional housing units. The City estimates that about 30 units could be built during the timeframe of the Housing Element. All

such units are expected to be rental housing at moderate-income household affordability levels or below. An example of an underutilized Neighborhood Commercial site is the Dandy Market in North San Rafael. The site is zoned Neighborhood Commercial (1,800 sq. ft. of lot area/unit). An older neighborhood store, Dandy Market was originally built to serve a small single-family neighborhood. Recent development in the area includes 133 homes, two small apartment buildings and an assisted living project, creating an increased demand for retail and an incentive for redevelopment of the site. General Plan 2020 changes to the NC District, including an increase in the height limit to 36 feet and the deletion of the ‘pro rata rule’ which limited the amount of residential that could be built in a mixed use building will be part of the implementing zoning changes to be adopted concurrently with the General Plan.

Currently Nonresidential Sites Where Housing Will Be Allowed (Sites Pending Land Use/Zoning Change as part of San Rafael General Plan 2020)

- **Dominican University.** The 55-acre Dominican University campus is currently zoned Planned District (PD). Pursuant to the PD designation, the proposed residential use is an accessory use to the university program, and the proposed housing would be allowed pursuant to a rezoning of the site and the adoption of a revised master plan. The University has indicated that an interest in building approximately forty (40) units of clustered affordable staff housing on an undeveloped area of its campus. These units will be available to lower and moderate-income staff households. The Dominican campus is part of a currently existing residential neighborhood, so the proposed housing units would have ready access to all essential public facilities and services.
- **Marin County Civic Center.** This site consists of 55 acres, part of which is underutilized, and has the potential for approximately 200 housing units, with the expectation that all of the proposed units would be available to moderate or below income level households. San Rafael General Plan 2020 Policy NH-61 supports transit-oriented (“smart growth”) housing near the planned commuter transit rail stop along the railroad tracks under highway 101. A potential constraint on the development of this site is the requirement that County voters approve all new development on Civic Center grounds. It is unknown when such a development proposal might be placed on the Countywide ballot for voter approval, making it difficult to project whether any of the potential Civic Center housing units would be available during the time frame addressed in this housing element.
- **Industrial/Light Industrial Area Around Davidson Middle School.** *San Rafael General Plan 2020* creates the Lindaro Mixed Use district, encompassing approximately 13 acres of land and 38 parcels. The lots will be rezoned to LMU (Lindaro Mixed Use, at 2,000 sq. ft. lot area/unit) as part of the adoption of *General Plan 2020*, and live/work housing will be allowed in this district. Several of the sites being rezoned are currently underutilized, and all sites are in close proximity to Downtown and have ready access to essential public facilities and services. San Rafael projects that approximately 15 housing units will be created in this area during the timeframe of this Housing Element; all are expected to be rental housing at moderate-income household affordability levels or below.
- **General Commercial District in Northgate Town Center.** *San Rafael General Plan 2020* designates 206 acres of land for General Commercial use. The Northgate Town Center is included within this designation; with 17 lots (including large three shopping centers), this area has the potential to support development of a significant number of housing units. Concurrent with adoption of *General Plan 2020*, the GC (General Commercial) zoning district will be amended to allow for high density housing at 1,000 sq. ft. of lot area/unit. In addition, *General Plan 2020* allows for a two-story height bonus for affordable housing in the Northgate Town Center. In discussions with the City about upgrades at the 39-acre Northgate Mall, the owners

have expressed an interest in building housing on a portion of the parking lots on the site. In addition, non-profits have expressed an interest in building affordable housing in the parking lot area. As such, San Rafael projects that approximately 200 housing units could be built in the Northgate Town Center during the timeframe of this Housing Element. All units are expected to be rental housing available to households with moderate-or-below income levels, and new development would be subject to San Rafael's proposed increased inclusionary zoning requirements and could qualify for density bonuses (above and beyond the state requirements) available thereunder.

- **Office District in Northgate Town Center.** *San Rafael General Plan 2020* designates 196 net acres of land for Office use. Office uses within the Northgate Town Center are included within the Office land use designation. Concurrent with adoption of *General Plan 2020*, the O (Office) zoning district will be amended to allow high-density housing at 1,000 sq. ft. of lot area/unit. In addition, *General Plan 2020* allows for a two-story height bonus for affordable housing in the Northgate Town Center. One property owner has informally proposed converting an existing office building to residential use, and several other office sites have recently changed ownership, which could lead to increased interest in possible use changes under the Office land use designation. As office buildings become outdated, the potential for conversion or redevelopment increases in this area. As such, San Rafael projects that 70 housing units could be built under the Office designation in the Northgate Town Center during the timeframe of this Housing Element. All such units are expected to be rental housing available to moderate-to-below income level households, and new development would be subject to San Rafael's proposed increased inclusionary zoning requirements and could qualify for density bonuses (above and beyond the state requirements) available thereunder.
- **Lincoln Avenue Park & Ride Lot.** This 0.9 acre site near the top of Lincoln Avenue and the on- and off-ramps ramps to highway 101 is designated Public/Quasi-Public. Concurrent with adoption of *General Plan 2020*, the PQP (Public/Quasi-Public) zoning district will be amended to allow high-density housing at 1,000 sq. ft. of lot area/unit. The development would be subject to San Rafael's proposed increased inclusionary housing requirements, and would potentially qualify for density bonuses (above and beyond the state requirements) available thereunder.
- **Medway/Vivian Area.** The Medway/Vivian area in the Canal neighborhood is the commercial center of a high-density neighborhood. The current light industrial and low intensity retail businesses *underutilize* the land in an area in need of affordable housing and resident-serving retail and services. The *General Plan 2020* land use map expands the Neighborhood Commercial district to replace part of the Light Industrial/Office area on nine lots along Medway and Vivian, thereby encouraging redevelopment with uses that would better serve the residents. Concurrent with adoption of *General Plan 2020*, the Light Industrial/Office sites will be rezoned to NC (1,800 sq. ft. of lot area/unit). The Redevelopment Agency reports that at least two non-profits have investigated the redevelopment of sites in this area for mixed use with housing. Based upon the redesignation of this area and the expressed interest in developing affordable housing units in this location, San Rafael projects that approximately fifteen (15) housing units will be developed during the timeframe of the Housing Element. All are expected to be rental housing available to very low, low, and moderate-income households.

Other Sites (Beyond 2007)

- **Marine Sites Along the Canalfront.** San Rafael General Plan 2020 designates 93 net acres of land for Marine-Related use. Concurrent with adoption of *General Plan 2020*, the M (Marine) zoning district will be amended to allow for medium-density housing at 2,000 sq. ft. of lot area/unit. Over the past few years, several property owners have explored building housing on their Canalfront

property. One such example is the 0.8-acre Third Street Boat House site, which has recently changed ownership. This site is just east of east of Montecito Plaza shopping center, and is ideal for residential use. All such units are expected to be rental housing available to moderate-to-below income level households, and new development would be subject to San Rafael's proposed increased inclusionary zoning requirements and could qualify for density bonuses (above and beyond the state requirements) available thereunder.

- **School District Sites.** Throughout San Rafael, there are several potentially available sites owned by the local school districts. In collaboration with the school districts, the City has explored the possibility of developing affordable housing units on some or all of these locations. To facilitate this development, San Rafael General Plan 2020 has designated all school sites to allow for residential land use and, concurrent with adoption of General Plan 2020, all school district sites will be zoned in a manner consistent with the surrounding neighborhood uses. Such potentially available school district sites include:

Glenwood School (Vacant Lot). This 12-acre vacant lot located adjacent to Glenwood Elementary School will be rezoned to accommodate low-density residential use consistent with the surrounding neighborhood use, and could support from 24 to 78 housing units. Any new development would be subject to San Rafael's proposed increased inclusionary zoning requirements and could qualify for density bonuses (above and beyond the state requirements) available thereunder.

Santa Margarita Elementary School Site. A 5.5-acre portion of the site located on Del Ganado Road is zoned for low density housing, and could support 11 to 36 units. However, the Dixie School District currently leases this site to a private entity, making unlikely any development of this site during the timeframe of this Housing Element.

Marin County Office of Education Site. A 6.4-acre portion of this site, located on Las Gallinas Avenue is zoned for low density residential, and could support from 13 to 42 new housing units. Any new development would be subject to San Rafael's proposed increased inclusionary zoning requirements and could qualify for density bonuses (above and beyond the state requirements) available thereunder.

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IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PC 7/8/04	NH-1 (Neighborhood Planning)	State Santa Margarita area in <u>Terra Linda neighborhood</u> .		Edit: As of July 2003, neighborhoods expressing a desire for a neighborhood plan are Bret Harte, Gerstle Park, Lincoln/San Rafael Hill, the Santa Margarita area in the Terra Linda neighborhood and the Canal.
PC 7/8/04	NH-2 (New Development in Residential Neighborhoods)	Add "or enhance" to the second to the last bullet item		Edit: Maintain or enhance infrastructure service levels
75-1	NH-2 (New Development in Residential Neighborhoods)	Add language defining "harmonious with prevailing scale, density and design." Require that new construction result in a project consistent with average size, lot coverage and height of neighboring development.	Response: This letter was originally submitted in January, 2003 for consideration by the Steering Committee, and prior to inclusion of implementing programs. The Steering Committee removed language about harmonious scale, and replaced the language with a statement about new development enhancing neighborhood image.	
PC 3/23/04	NH-2a (Zoning Ordinance)	C-29b program deleted in references	Response: Eliminate reference to C-29b and add references to NH-8a, 8b, 8c and 8d.	Edit: Revise as shown. Eliminate reference to C-29b and add references to NH-8a (Restore Parking Spaces), 8b (Additional On-Site Parking), 8c (Permit Parking) and 8d (Zoning Ordinance Review).
75-2	NH-3 (Housing Mix)	A policy that addresses second units is imperative considering the establishment of overlay zoning to accommodate needed housing. Rigorous review with regard to issues of scale, parking, traffic, and design should be done.	Response: Policy H-25 addresses second units. Since this letter was written in 2003, state law has changed limiting the City's discretion and public involvement in the review of second units.	
75-3	NH-4 (Improve Property Maintenance)	Increased enforcement needs to be included where property owners fail to maintain their properties in good condition and appearance.	Response: The City has an aggressive code enforcement program, which is addressing in Programs NH-4a-c which weren't available when this letter was originally written. NH-4c would address consideration of property maintenance standards.	
PC 3/23/04	NH-4b (Design Review Conditions of Approval)	Delete the word "standard". Delete "their properties and"		Edit: Revise as shown. Through development review, require that standards design review approval include language whereby owners maintain and keep their properties and landscaping in good condition.

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
75-6	NH-5 (Safe Streets)	In addition to providing neighborhood streets that are safe, pleasant and attractive to drive and walk along, these conditions should be properly maintained. Encouragement of traffic calming and Police enforcement.	Response: Comment noted. Traffic calming is addressed in Policy C-21. Traffic enforcement issues should be discussed with the neighborhood's beat officer.	
75-4	NH-6 (Bicycle and Pedestrian-Friendly Streets)	Future planning endeavors in hillside areas should not consider the possibility of narrowing existing streets, however the need for upgraded pedestrian accessibility and safety should be considered.	Response: Program NH-6a discusses narrower streets only in creation of new streets. Other policies in the Circulation Element discuss using state standards for street widths and bicycle lanes.	
PC 3/23/04	NH-5 (Safe Streets)	Reorder words, walk, bike, drive		Edit: Revise as shown. Provide neighborhood streets that are safe, pleasant, and attractive to walk, cycle and drive and walk along.
75-5	NH-7 (Neighborhood Identity and Landmarks)	The City should facilitate the ambition of Neighborhood Association to install appropriate identifying signage at gateways to Neighborhoods.	Response: This is the intent of the policy.	
75-9	NH-9 (Nuisance Vehicles)	Abandoned and illegally parked vehicles need to be identified and communicated to police dept. An aggressive program needs to be initiated through an ordinance addressing abandoned vehicles on private property.	Response: The City has an ordinance and an aggressive enforcement program of visible, abandoned vehicles on private property. We respond to complaints.	
PC 3/23/04	NH-9b (Vehicles as Residences)	Add "on-street" parking.		Edit: Revise as shown. NH-9b. Vehicles as Residences. Continue to implement, and strengthen as necessary, City ordinances that prohibit overnight residential use of vehicles within the public right-of-way or on public property.

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
75-10	NH-10 (Neighborhood Centers)	Keep intact the motels, nursery and mini-mart that serve the needs of the neighborhood.	Response: The intent of the policy is to encourage retention of neighborhood-serving retail uses, such as Scotty's Market, the Sun Valley Market, Dandy Market, the Famous Deli, etc. that allow for the purchase of convenience items without having to travel by car. Uses such as motels and landscape nurseries are more regional-serving in nature and do not have the same impact on reducing local auto trips.	
PC 3/23/04	NH-10X (Needed Neighborhood Serving Uses)	Last sentence. Change to "and/or".		Edit: Revise as shown. Other similar uses that serve primarily neighborhood residents and/or employees, and receive broad neighborhood support may also qualify.
75-11 PH-121A	NH-11 (Schools)	If school sites become less useful, create temporary uses other than demolition or housing. Say 'shall,' not 'should' so Short School won't be developed beyond seven units/acre.	Response: Policy LU-12 provides for other uses should a school site be closed. Policy NH-11 allows clustering of development potential to allow the retention of public recreation facilities provided the design is compatible with the neighborhood. No change is recommended.	
75-12	NH-12 (Religious Institutions, Educational Facilities and other Community Organizations)	Community support of spiritual centers should be encouraged as meeting places for neighborhood organizations and activities.	Response: This is what is intended by this policy and NH-13 (Gathering Places and Events).	
PC 3/23/04	NH-17a (Hotel/Cineplex)	Re- cineplex and hotel. Add in language to clarify.		Edit: Revise as shown. Support the development of a hotel to sustain the office market and a Cineplex in Downtown San Rafael to sustain the office market, and to enhance the retail, restaurant and entertainment offerings of in Downtown the City.
PH-128	NH-24 (Pedestrian Comfort and Safety)	In regards to pedestrian comfort and safety: Change "comfortable" to "accessible".	Response: "Comfortable" is a term that includes accessible, as an inaccessible walkway would not be comfortable for a wheelchair bound traveler. However, an "accessible" walkway would not necessarily be comfortable. The intent of the policy is to recognize that 'comfort' is an essential element of a successful pedestrian experience. No change is recommended.	

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
<p>Staff</p>	<p>Bayside Acres California Park China Camp Country Club Lucas Valley Marinwood Rafael Meadows/ Los Ranchitos Santa Venetia</p>	<p>For these neighborhoods, be clear in the Vision statement that the area, which is in San Rafael's Planning Area/Sphere of Influence, is in an unincorporated part of the County.</p>	<p>Edit: Revise the following 'Vision descriptions' as follows: Bayside Acres: Bayside Acres, located in an unincorporated area of the County, is one of San Rafael's less dense neighborhoods . . . California Park: This neighborhood, located in an unincorporated area of the County, located in an unincorporated area of the County, has several some residential development potential remaining with the construction of housing on the Scheutzen parcels. . . China Camp: Future plans for the China Camp State park, which is located in an unincorporated area of the County, are consistent with State and local priority needs: . . . Country Club: Country Club, located in an unincorporated area of the County, is one of San Rafael's older neighborhoods, and is not expected to change much. Lucas Valley: Apart from the County's approval of office space at the Lucasfilm properties, [This area, located in an unincorporated area of the County, is not expecting any development projects during the San Rafael 2020 planning period. Marinwood: Marinwood is in an unincorporated area of the County. The Daphne site, located west of Highway 101 next to the Lucas Valley off-amp, is a property zoned for single-family residential development. . . Rafael Meadows/Los Ranchitos: Rafael Meadows is located in the City of San Rafael; Los Ranchitos is a neighborhood in an unincorporated area of the County. Some of the properties along Merrydale Road may redevelop in the future with more housing. . . Santa Venetia: This unincorporated area of the county County is anticipated to remain essentially a residential area with a neighborhood school and other community institutions.</p>	<p>Edit: Revise as shown. Improve the look and function of these important streets by emphasizing safe and efficient movement of both pedestrians, and vehicles cars and, where feasible, bicycles traveling into the through Downtown.</p>
<p>PC 3/23/04 PH-100 PC 7/8/04</p>	<p>NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Andersen Drive)</p>	<p>Add a reference to bike plan policies. Issue about Lincoln and bikes. Possibly say "bicycles, where feasible".</p>		

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PH-108	NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Andersen)	Suggestion to communicate with other jurisdictions to improve the entire bicycle path system. Widen tunnel to Lincoln Avenue. Sidewalks should be maintained, repaired and improved.	Response: Revise policy to note the desire for bicycle improvements on these corridors. Add references to C-26a (Implementation) [of the Bicycle and Pedestrian Master Plan] and LU-2a (Development Review) to address the planned improvements to bicycle and pedestrian facilities on these streets and to use of the design review process to implement the desired design improvements.	Edit: Revise as shown. Improve the look and function of these important streets by emphasizing safe and efficient movement of both pedestrians, bicyclists and vehicles traveling into and through Downtown. Add references to C-26a (Implementation) and LU-2a (Development Review).
98-5	NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Andersen)	Improved lighting is needed for pedestrian safety along Lincoln at crosswalks.	Response: Add a program re: evaluating lighting levels on sidewalks.	Edit: Add the following program: NH-25a. Pedestrian Lighting. Evaluate <u>pedestrian lighting along Lincoln Avenue for safety.</u> <u>Responsibility: Public Works, Police</u> <u>Timeframe: Short Term</u> <u>Resources: Staff Time</u>
98-5	NH-25 (Refine Look of Lincoln, Hetherton, Lindaro and Andersen)	The trees and landscaping along the sidewalks/parkways should be monitored by a certified arborist and maintained by the City.	Response: See responses re: CD-20c (Street Tree Maintenance). The City does employ a City Arborist, and other tree maintenance employees are also being certified as arborists.	
69-1 PH-48	NH-32 (Downtown's Neighbors) Second Bullet	Suggested edit "Keeping all Downtown activities within the Downtown area, and provide adjoining residential neighborhoods special consideration in commercial or multi-residence development, and"	Response: Revise the policy to speak to both a visual and level of use intensity transition to the adjacent neighborhoods.	Edit: Revise as shown. NH-32 Downtown's Neighbors. Distinguish Downtown from adjoining neighborhood areas by: <ul style="list-style-type: none"> • Establishing major entrances to Downtown with gateway treatments. • Keeping all Downtown activities within the Downtown area, and • Providing a gradual street transition into adjacent residential neighborhoods in terms of building scale and intensity of use.
PC 7/8/04	Downtown Districts, page 79	Add map of Downtown Districts		Edit: Include a map showing the six Downtown districts described in following policies.
PH-120 PC 3/23/04	NH-35 (a). (Hetherton Office District)	Maximize potential for transit-oriented development in this district, due to proximity of the transit center and potential rail station.	Response: Policy text has been revised to emphasize office and residential uses, and de-emphasize retail uses. The Zoning Ordinance changes considered by the Planning Commission on May 19 include allowance for residential uses on the ground floor instead of requiring retail, except on Fourth Street.	Edit: Revise as shown. NH-35. Hetherton Office District. a. Office Center. Emphasize Emphasize development related to the Transportation Center, especially office and professional service buildings, which can could include limited areas for include street-level retail uses that serve San Rafael residents as well as commuters. Residential is also strongly encouraged in this area.

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
PC 3/23/04	NH-35 b (Transit Services)	Add in other transportation entities; private providers.		Edit: Revise as shown. Support efforts by Caltrans, the Golden Gate Bridge District, and the Marin County Transit District and other transportation providers to increase transit service at the Transportation Center.
Staff	NH-36 (Hetherton Office Design Considerations)	Is 3 – 5 stories inconsistent with height table which allows up to 66 feet?	Response: Policy not written as a standard but as a descriptor. Height limits deleted in draft from the land use table, and replaced with a height map. Add reference to height map and height bonus policy.	Edit: Add reference to height map and height bonus policy.
4-1 4-2	NH-36 (a) (Downtown Gateway)	Add specific wording to improve landscaping on both sides of the Central San Rafael southbound off ramp and Second Street.		Edit: Revise as shown. Transform the Hetherton Office District into an elegant transition into Downtown San Rafael. Improve the entries to Downtown at Third Street, Fifth Street, Mission Avenue, and Lincoln Avenue and the freeway ramps with entrance graphics, enhanced planting and lighting. Buildings should complement the district's entryway treatment and provide an attractive façade along Hetherton Street. Add the following program: NH-36a. Freeway Ramps. Work with Caltrans, civic organizations and neighborhood associations to beautify the freeway ramps with enhanced landscaping. Add a reference to Program NH-36a in CD-8.
4-3	NH-36 (d) (Under Highway 101 Viaduct)	Add language to discourage further commercial signage at gateway locations.	Response: Staff does not agree that the City's Farmers Market sign should be removed at the Second and Irwin Street intersection. Properly designed notices of civic functions are appropriate at the entry to Downtown.	

IV. NEIGHBORHOODS ELEMENT

Comment #	Policy/Program	Comment	Response	Recommendation
21-1 PH-124	NH-38a (Mahon Creek)	Flooding is occurring more frequently in Gerstle Park near C and Treanor. The creek maintenance plan required in the Mahon Creek Plan has not been developed. Include the wording "including the development and implementation of a creek management plan."	Response: A memo from the Public Works Director is attached as Exhibit 1. In summary, the Mahon Creek Plan extended only from the Canal to B Street, in areas of City ownership. Public Works crews conduct annual maintenance in these segments. Over the past 20 years the City has invested over \$12 million in storm drainage improvements in Bret Harte, Picnic Valley and Gerstle Park, including a new storm drain system on C Street, north of Treanor. All these areas remain in FEMA flood zones, but regular flooding has been greatly reduced. The C, Treanor, First, B, Willow Street area is low lying, adjacent to Mahon Creek. This area will flood due to a combination of high tides, wind surge and intense rainfall, when the Creek cannot accept additional runoff. No additional improvements are considered feasible or practical at this time.	
PH-122	NH-40 (Second/Third Mixed Use District Design Considerations)	New structures along Second, Third and Lincoln Streets will seek density and height bonuses which will make it difficult to be compatible with existing uses.	Response: To the extent that density and height bonuses are not mandated under state law, these allowances are balanced against the policies in the Community Design and Neighborhoods Elements which address compatibility of scale.	
Staff	NH-40 (Second/Third Design Consideration)	2-5 stories east of B Street and 1-3 stories west of B Street do not match the height limits in the table.	Response: Policy not written as a standard but as a descriptor. Height limits deleted in draft from the land use table, and replaced with a height map. Add reference to height map and height bonus policy.	Edit: Add reference to height map and height bonus policy.
Staff	NH-42 (West End Design Considerations)	1-2 stories do not match the height limits in the table.	Response: West End Village revised to state 1 to 3 stories. Policy not written as a standard but as a descriptor. Height limits deleted in draft from the land use table, and replaced with a height map.	Edit: Add reference to height map and height bonus policy.
57-2	NH-46 (California Park)	The wetlands on these lands should be protected.	Response: The draft policy states, "Future development on the site shall protect all on-site wetland areas."	
PC 7/8/04	NH-48 (Canal Waterfront Uses)	Add in office uses, consistent with the new use in the Marine Related Land Use District		Edit: ... Residential and office uses are allowed above the ground floor.
PH-133	NH-49 (Recreational Boat Facilities)	There is a full service marina at Loch Lomond and another marina is not needed.	Response: NH-49 discusses retention of boat launch facilities along the Canal. Policy NH-121 (Loch Lomond Marina) discusses retention of the boat launch facility.	
PC 3/23/04 PH-66 6/29/04	NH-52 (Canal Maintenance)	Conflicting wording regarding federal funding. The proposal for dredging could be cost effective and is worth reviewing.		Edit: Revise as shown. Develop a plan for long term maintenance of the Canal as a navigable waterway, including regular dredging, without reliance on if federal funds are not available.

IV. NEIGHBORHOODS ELEMENT			
Comment #	Policy/Program	Comment	Response
PC 7/8/04	NH-60 (Civic Center Expansion)	Add in "and comment"	Edit: Review and comment on plans for future Civic Center expansion projects, . . .
PC 3/23/04	NH-61 (Sonoma Marin Area Rail Transit [SMART] Station)	of "a" Civic Center SMART station.	Edit: Revise as shown. If rail service is initiated, support construction of a the Civic Center SMART station.
57-10	NH-61 (Sonoma Marin Area Rail Transit [SMART] Station)	This policy should be deleted because it supports a rail transit system that has not been approved. Location and impacts should be studied before a commitment is made.	Response: The draft policy language begins with, "If rail service is initiated..." Environmental studies of a rail service are being undertaken and the City must participate in such planning. This policy sets forth some of the City's interests if voters choose to fund such a system.
PC 3/23/04	NH-61a (Transit-Oriented Development)	"with or without rail". Also add in GGBTD.	Edit: Revise as shown. Work with SMART, Marin County, and Golden Gate Bridge Transit District and other transit providers to prepare a site-specific design for a transit-oriented development with housing in the vicinity of the rail station.
PC 3/23/04	NH-61b (Safe Walkways)	Add in bikes.	Edit: Revise as shown. Safe Walkways and Bikeways. Encourage the provision of lighting and sidewalks to ensure safe and attractive walkways and bikeways from the transit center, on both sides of Civic Center Drive, to the Northgate area.
57-11	NH-62 (Bicycle and Pedestrian Walkway)	Walkway should be carefully designed and planned to avoid impacts to adjacent marshes and wildlife.	Response: Comment noted. An EIR being prepared by SMART will include consideration of impacts of locating a pedestrian/bicycle path along portions of the rail corridor.
66-1	Dominican/Black Canyon Vision, first sentence	Add a statement "Recognize and preserve the Neighborhood's historic relationship between house size and lot size, preserving a sense of space between houses."	Response: The Commission recommends against adding this statement. The current setbacks are designed to preserve a sense of space between houses; these are not proposed to be changed.
Staff	NH-67 (Dominican University)	Verify the housing number for Dominican University.	Response: The Steering Committee's draft showed 103 units for Dominican University. As a point of clarification, this has been revised to show 40 units.
PH-59	NH-68a (Barbier Park/Gold Hill)	Suggested edit. "Redesignate the zoning of the publicly owned properties to Open Space."	Edit: Revise as shown. Redesignate the zoning of the publicly owned properties to Open Space.