

**350 MERRYDALE ROAD RESIDENTIAL TOWNHOME  
DEVELOPMENT PROJECT**

350 Merrydale Road, San Rafael, CA  
Assessor's Parcel Nos.: 179-041-27 and 28

Initial Study/Mitigated Negative Declaration

Lead Agency:

City of San Rafael  
Community Development Department  
1400 Fifth Avenue (P.O. Box 151560)  
San Rafael, CA 94915-1560

Contact: Caron Parker, Associate Planner,  
Sean Kennings, Contract Planner

November 8, 2019

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# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

**DATE:** November 8, 2019  
**TO:** Public Agencies, Organizations and Interested Parties  
**FROM:** Sean Kennings, Contract Planner  
**SUBJECT:** **NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A MITIGATED  
NEGATIVE DECLARATION**

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Pursuant to the State of California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act of 1970” as amended to date, this is to advise you that the Department of Community Development of the City of San Rafael has prepared an Initial Study on the following project:

**Project Name:**

350 Merrydale Road

**Location:**

350 Merrydale Road / 3833 Redwood Highway, San Rafael, Marin County, California, APNs: 179-041-027 and 179-041-028.

**Property Description:**

The subject property is approximately 2.28 acres in size and is currently developed with three “classroom”-type commercial buildings, surface parking lot, and associated site improvements.

**Project Description:**

The project consists of a mixture of 45 for-sale townhomes and stacked flats, and a multi-purpose community room, on an approximate 2.28-acre site. The Project site has primary access from Merrydale Road and secondary access from Redwood Highway. A new T-shaped private road will link Merrydale Road with Redwood Highway.

There are 41 three-story townhomes proposed and four stacked flats in five different building types. A total of nine buildings will range from four to eight units. Building 4 will include four stacked flats over parking at one end, and over parking and the Community Room at the other end. The project will provide 20% of the units (nine units) for sale to persons of Low and Moderate Income earning 50-80% and 80-120% respectively of the Area Wide Median Income adjusted for family size. Five (5) units will be affordable to persons of Low Income and four (4) units affordable to persons of Moderate Income.

The Project has generally been oriented to the north and west to take advantage of the view opportunities and to provide an landscaped Merrydale Road street frontage, and to promote usage of the creek area via a dual-purpose

Creek Promenade. This orientation has the additional advantage of limited exposure to the freeway and providing a noise block to the adjacent Rafael Meadows neighborhood.

The Merrydale Road frontage will be improved with new curb, gutter, sidewalk and landscaping providing for nine street parking spaces. In addition to the new Merrydale Road sidewalk, pedestrian access will be available along the Creek Promenade and Private Street A and Private Street B providing continuous pedestrian access from Redwood Highway to Merrydale Road. Primary vehicular access will be from Merrydale Road via a two-way street (Private Street A), and from Redwood Highway via a two-way street (Private Street B). All sides of each building will be within 150 feet (fire hose pull length) of any parked fire apparatus equipment. At least one side of each building will have an eave height not to exceed 30 feet. Therefore, no aerial ladder fire truck access will be necessary.

#### **Environmental Issues:**

The proposed project would result in potentially significant impacts in Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the attached Mitigation Monitoring and Reporting Plan (MMRP) and Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration document has been prepared in consultation with local, and state responsible and trustee agencies and in accordance with Section 15063 of the California Environmental Quality Act (CEQA). Furthermore, the Initial Study/Mitigated Negative Declaration will serve as the environmental compliance document required under CEQA for any subsequent phases of the project and for permits/approvals required by a responsible agency.

**A thirty-day (30-day) public review period shall commence on Friday, November 8, 2019. Written comments must be sent to the City of San Rafael, Community Development Department, Planning Division, 1400 Fifth Avenue, San Rafael CA 94901 by Tuesday, December 10, 2019. The City of San Rafael Planning Commission will hold a public hearing on the Initial Study/Mitigated Negative Declaration and project merits on Tuesday, December 10, 2019, 7:00 PM in the San Rafael City Council Chambers at City Hall (address listed above). Correspondence and comments can be delivered to Caron Parker, project planner, phone: (415) 485-3094, email: [caron.parker@cityofsanrafael.org](mailto:caron.parker@cityofsanrafael.org).**

## MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM  
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>I. AESTHETICS</b>					
<b>I(d). Mitigation Measure AES-1:</b> Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)	Require as a condition of approval	Planning Division  Building Division	Incorporate as condition of project approval  Planning Division verifies appropriate plan/study obtained prior to issuance of building permit	Deny project  Deny issuance of building permit	
<b>III. AIR QUALITY</b>					
<b>III (b). Mitigation Measure AQ-1:</b> Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:	Require as a condition of approval  Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division  Building Division	Incorporate as condition of project approval  Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project  Deny issuance of building permit	
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.					

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<ol style="list-style-type: none"> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
<p><b>III(b). Mitigation Measure AQ-1a:</b> All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum,</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.</p> <ul style="list-style-type: none"> <li>• The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement.</li> <li>• Use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.</li> <li>• Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.</li> </ul>	<p>Project sponsor provides equipment list prior to issuance of building permits</p>	<p>Public Works Division / Building Division</p>	<p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	
<p><b>III(c) Mitigation Measure AQ-2:</b> Include high-efficiency particulate filtration systems in residential ventilation systems.</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	
<p>The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM<sub>2.5</sub> concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM<sub>2.5</sub> concentrations are based on the exposure to PM<sub>2.5</sub> resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM<sub>2.5</sub> exposure drives the mitigation plan. Reducing PM<sub>2.5</sub> exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM<sub>2.5</sub> exposure for new project occupants:</p>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Building Division</p>	<p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<ol style="list-style-type: none"> <li>1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above.</li> <li>2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required.</li> <li>3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.</li> </ol>					

**IV. BIOLOGICAL RESOURCES**

<p><b>IV(a). Mitigation Measure BIO-1:</b> Pre-construction nesting bird and bat surveys</p>	<p>Require as a condition of approval.</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval. Project applicant conducts pre-construction survey before permit issuance.</p>	<p>Deny project</p>	
<p>The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.</p> <ul style="list-style-type: none"> <li>• If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.</li> </ul>	<p>Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning / Building Division</p>	<p>Planning / Building Division verifies survey conducted prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	



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<ul style="list-style-type: none"> <li>If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.</li> <li>Buffers typically range from 25 feet to 500 feet depending on the species.</li> <li>If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.</li> <li>If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.</li> </ul>					

**V. CULTURAL RESOURCES**

<p><b>V(b). Mitigation Measure CULT-1:</b> Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
	Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Deny issuance of building permit
			Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p><b>V(c). Mitigation Measure CULT-2: Protect Human Remains Identified During Construction:</b> The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	
	<p>Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning /Building Division</p>	<p>Project sponsor to halt work immediately upon discovery of unknown resources</p>	<p>Deny issuance of building permit</p>	
			<p>Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit</p>		

**VII. GEOLOGY AND SOILS**

<p><b>VII(a)(ii). Mitigation Measure GEO -1:</b> Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	
	<p>Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer</p>	<p>Public Works Division</p>	<p>Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>consistent with the findings presented in Section 4 of the May 8, 2018 ENGeo report.</p>					
<p><b>VII(a)(iii). Mitigation Measure GEO-2:</b> Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGeo report.</p>	<p>Require as a condition of approval</p> <p>Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer</p>	<p>Planning Division</p> <p>Public Works Division</p>	<p>Incorporate as condition of project approval</p> <p>Public Woks / Building Division verifies appropriate design-level report prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	
<p><b>VII(b). Mitigation Measure GEO-3:</b> Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.</p>	<p>Require as a condition of approval</p> <p>Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer</p>	<p>Planning Division</p> <p>Public Works Division</p>	<p>Incorporate as condition of project approval</p> <p>Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	
<p><b>VII(c). Implementation of GEO-1 &amp; GEO-2</b></p>	<p><i>See MM GEO-1 and GEO-2 above</i></p>				
<p><b>VII(d). Mitigation Measure GEO-4:</b> Soils shall be moisture conditioned to above the optimum moisture content</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Public Works / Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
<p><b>VII(f). Mitigation Measure GEO-5:</b> Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.</p> <p>If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting</p>	<p>Require as a condition of approval</p> <p>Project sponsor shall designate qualified paleontologist, consult with agencies as appropriate prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted. Planning / Building Division contacted and appropriate agencies alerted to discoveries</p>	<p>Deny project</p> <p>Halt building permit</p>	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.</p> <p>The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:</p> <p>“The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”</p>					

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>IX. HAZARDS AND HAZARDOUS MATERIALS</b>					
<p><b>IX(a). Mitigation Measure HAZ-1:</b> Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
<p><b>IX(b). Mitigation Measure HAZ-2:</b> Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for proper handling of soils and/or structures/equipment</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>X. HYDROLOGY AND WATER QUALITY</b>					
<p><b>X(a). Mitigation Measure HYDRO-1:</b> Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	
	<p>Project sponsor submits SWPP/ESCP to San Rafael Department of Public Works prior to issuance of building permits</p>	<p>Public Works Division</p>	<p>Public Works Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	
<ol style="list-style-type: none"> <li>1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;</li> <li>2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;</li> <li>3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;</li> <li>4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.</li> <li>5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best</li> </ol>					

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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.					
<b>X(a). Mitigation Measure HYDRO-2:</b> Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor submits Phase II Small MS4 Permit to San Rafael Department of Public Works prior to issuance of certificate of occupancy	Public Works Division	Public Works verifies appropriate approvals obtained prior to issuance of certificate of occupancy	Deny issuance of certificate of occupancy	
1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.					
2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.					
3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.					
4) Funding for long-term maintenance of all BMPs shall be specified.					



**MITIGATION MONITORING AND REPORTING PROGRAM**  
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>XIII. NOISE</b>					
<p><b>XIII(a). Mitigation Measure NOISE-1:</b> Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance.</p> <ul style="list-style-type: none"> <li>• Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays.</li> <li>• Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible. Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.</li> <li>• Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Unnecessary idling or internal combustion engines should be strictly prohibited.</li> <li>• Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.</li> <li>• Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>• Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>• Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in</li> </ul>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
		Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit

**MITIGATION MONITORING AND REPORTING PROGRAM**

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.</p> <ul style="list-style-type: none"> <li>Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</li> </ul>					
<b>XVII. TRANSPORTATION</b>					
<b>XVII(a). Mitigation Measure TRANS-1:</b> The project sponsor shall construct a pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Public Works Division	Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>					
<b>XVIII(a). Mitigation Measure TRIBAL-1:</b> Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor designates qualified professional pursuant to NAHC	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Deny issuance of building permit	

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.	requirements and obtains approvals from appropriate agencies prior to issuance of building permits		Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit		

## ENVIRONMENTAL CHECKLIST

1. **Project Title** 350 Merrydale Road
2. **Lead Agency Name & Address** City of San Rafael  
Community Development Department  
Planning Division  
1400 Fifth Avenue  
San Rafael, California 94901
3. **Contact Person & Phone Number** Sean Kennings, Contract Planner  
Phone number: # (415) 533-2111  
Email: sean@lakassociates.com
4. **Project Location** The site is located in the City of San Rafael, Marin County, California at 350 Merrydale Road / 3833 Redwood Highway, Assessor's Parcel Nos. 179-041-27 and -28. (Refer to Exhibit A, "Vicinity Map").
5. **Project Sponsor's Name & Address** Project Sponsor  
  
Mr. Michael Hooper  
Campus Property Group  
PO Box 564  
Larkspur, CA 94977
6. **General Plan Designation** General Commercial
7. **Zoning** Planned Development (PD) 1594 District
8. **Description of Project**

### Setting and Background

The proposed Project is located at the terminus of Merrydale Road and Redwood Highway and the Civic Center SMART station in an area comprising a combination of commercial and residential uses. Redwood Highway presently dead ends into the Project site. The project site is currently developed with three (3) classroom type one-story commercial buildings, surface parking and associated site improvements. Nearby commercial uses are generally located to the south along the Highway 101 frontage road, Redwood Highway, the exception being the soon to be built Oakmont senior living facility. A public storage facility is located directly to the north. Multifamily residential condos and apartments are located to the south along the east side of Merrydale Road. The San Rafael Meadows residential neighborhood, consisting of primarily single-story detached housing, is to the west. The Highway 101 right-of-way forms the Project site's eastern boundary, though the Highway is elevated by as much as 18 feet to 8 feet above the Project site.

Las Gallinas Creek straddles the northern property line and an unidentified drainageway straddles the eastern property line. The southern bank of Las Gallinas Creek is generally comprised of rip rap for erosion control. The western bank of the drainageway is unimproved. The Project site was improved in the late 1950's with school buildings and playground/parking lot. The Project site is approximately 500 feet south of the Civic Center SMART station.

### Project Description

The project consists of a mixture of 45 for-sale townhomes and stacked flats, and a multi-purpose community room on an approximate 2.28-acre site. The Project site has primary access from Merrydale Road and secondary access from Redwood Highway. A new T-shaped private road will link Merrydale Road with Redwood Highway.

There are 41 three-story townhomes proposed and four stacked flats in five different building types. A total of nine buildings will range from four to eight units. Building 4 will include four stacked flats over parking at one end, and over parking and the Community Room at the other end. The project will provide 20% of the units (nine units) for sale to persons of Low and Moderate Income earning 50-80% and 80-120% respectively of the Area Wide Median Income adjusted for family size. Five (5) units will be affordable to persons of Low Income and four (4) units affordable to persons of Moderate Income.

The Project has generally been oriented to the north and west to take advantage of the view opportunities and to provide an landscaped Merrydale Road street frontage, and to promote usage of the creek area via a dual-purpose Creek Promenade. This orientation has the additional advantage of limited exposure to the freeway and providing a noise block to the adjacent Rafael Meadows neighborhood.

The Merrydale Road frontage will be improved with new curb, gutter, sidewalk and landscaping and create five (5) new on-street parking spaces along the east side of Merrydale Road. Combined with the five (5) existing spaces, there would be a total of nine (9) on-street parking spaces along the Merrydale project frontage. In addition to the new Merrydale Road sidewalk, pedestrian access will be available along the Creek Promenade and Private Street A and Private Street B providing continuous pedestrian access from Redwood Highway to Merrydale Road. Primary vehicular access will be from Merrydale Road via a two-way street (Private Street A), and from Redwood Highway via a two-way street (Private Street B). All sides of each building will be within 150 feet (fire hose pull length) of any parked fire apparatus equipment. At least one side of each building will have an eave height not to exceed 30 feet. Therefore, no aerial ladder fire truck access will be necessary.

### Architecture

The architectural styling for 350 Merrydale Road is created through the use of a mix of modern and classic materials: stone, glass, and plaster. The rectilinear massing of the building is balanced by projections and recesses to create planes that produce articulation and deep shadows. A facade that continues on all four sides of each building is enhanced with the use of a smooth plaster wall surface. The plaster walls are further enhanced with score lines and a palette of three different colors that provide variety while maintaining a continuity of design. Accents of different materials such as horizontal wood toned siding appear at the projections as well as a neutral colored cut stone that grounds the buildings at the base. Additional details consist of contemporary windows, simple wood posts, wire mesh railings and composition shingle roofing. Varied entry door colors are intended to further define individual units. To further protect privacy, useable outdoor living spaces are limited to recessed decks at the second level. All units with the exception of the two freeway-oriented stacked flats (Plans 4X and 5X) will have private decks.

### Townhomes (All Buildings)

There will be five different Plan Types comprising a mixture of 2-, 3- and 4-bedroom units (with some variations).

Plan 1 (1,285 sq. ft.) is a three-story 2-bed/ 2.5 bath with tandem garage town home unit.

Plan 2 (1,461 sq. ft.) is also a three-story 2-bed/2.5 bath townhome unit but with a conventional side by side 2-car garage. Plan 2X (1,461 sq. ft.) is the same as Plan 2 but with 3 beds/3.5 baths.

Plan 3 (2,116 sq. ft.) is a three-story 3-bed/2.5 bath plus bonus room with a 2-car side by side garage town home unit with an option for a 4th bedroom in lieu of a bonus room. The 4th bedroom option will be available for up to 8 of the 10 Plan 3 units.

Plan 4 (785 sq. ft.) and Plan 4X (741 sq. ft.) is a second level 2-bed/1 bath stacked flat with a 1-car garage.

Plan 5 (836 sq. ft.) and Plan 5X (836 sq. ft.) is a third level 2-bed/2 bath stacked flat. Plan 5 has a one-car garage, Plan 5X has a two-car tandem garage.

Individual homes will all generally be accessed from Merrydale Road, the new interior T-shaped private streets, the Creek Promenade (Building 3 only) or the Paseos. In all cases garage access will be from the opposite side of the primary access, and all units, except the flats, will have direct access from the garages to the homes. Generally, bedrooms are located on the top floor with living spaces on the middle floor. Only access and garage spaces are on the ground floor of Plans 1 and 2. Plan 3 is a deeper unit allowing for a 4th bedroom option on the ground floor along with access and garage spaces. The project includes 10 of the Plan 3 units with up to 8 units that have the 4th bedroom option. In the other two units, the additional space will be included as a bonus room such as a home office or entertainment room.

Building 4 comprises one Plan 1, two Plan 3s, four stacked flats and a Community Room. The Community Room will be located at the west end of the building adjoining the Paseo so that a patio over a portion of the bioretention area can be provided. A kitchen, bathroom and storage area will be provided as part of the Community Room. The Community Room is intended to be a flexible space so that a variety of uses may be accommodated, such as meetings, card games, afterschool homework room. Two single car garages will be located to the rear and two stacked flats will be located above (Plan 4 and Plan 5) the Community Room. At the east end of Building 4 there will also be two stacked flats (Plan 4X and Plan 5X slightly modified for this location closer to the freeway and close to the trash enclosure). In this location, Plan 4X will have a one-car garage and Plan 5X will have a 2-car tandem garage.

#### Community Room

A flexible use Community Room comprising +/- 500 sq. ft. that includes a clear 14' 6" x 20' 6" space, kitchen and storage with access to an approximate 500 sq. ft. outdoor patio is proposed at the center of the Project. The Community Room will include amenities such as tables, chairs, and for activities such as ping-pong and an outdoor barbeque grill.

#### Phasing

All construction is proposed for completion within +/- 2.5 years from issuance of the first building permit subject to market condition remaining positive. Two phases of building construction are required given the size of the Project and the possibility of market conditions deteriorating. Project construction is anticipated to occur under three phases

Pre – Phase:	All on and off-site improvements, except tree removal along the southwest property line, landscaping, the final lift of on-site pavements and the resurfacing and slurry coat of Merrydale Rd)
Building Phase 1:	Buildings 1 – 4, all landscaping and the final lift of pavements north of and including Private Street A, and the resurfacing and slurry coat to Merrydale Rd.
Building Phase 2:	Buildings 5 – 9, tree removal along the southwest property line, all remaining landscaping and paving.

The following is a preliminary estimate of the schedule:

- Start Pre-Phase Spring 2020
- Substantially Complete Pre-Phase Summer 2020
- Start Building Phase 1 Summer 2020
- Start Building Phase 2 Summer 2021
- Complete Building Phase 1 Fall 2021
- Complete Building Phase 2 Summer 2022

### Access, Circulation and Parking

Pursuant to San Rafael Municipal Code s.14.16.030.H.3.a.i., the applicable parking standards are based on providing 20% of the Projects units to persons of Low and Moderate Income. As a result, the Project includes 95 total parking spaces, 20 tandem garage spaces and seven (7) uncovered on-street spaces within the project site. These seven (7) parking spaces are located along Private Street 'A' and Private Street 'B' (Redwood Highway).

There are a total of ten Plan 3 units, up to 8 of which will have the option of having a ground level 4th bedroom, increasing the parking requirement to 2.5 spaces per unit inclusive of guest and handicap parking. These 8 units will be selected at the time of sale. The remaining 2 units will have a ground level bonus room instead of a 4th bedroom. Of the seven on street parking spaces, one will be assigned to Unit 25. Units 19 and 24 will not have an assigned on-street parking space. All units have at least one covered space in garages. All garages will be provided with Electric Vehicle hookups.

### Infrastructure Improvements

The Project proposes to connect four new domestic water line laterals to the existing water lines located within the Merrydale right of way, install new curb, gutter and sidewalk along the Project frontage and reinstate the Merrydale Road right of way affected by the installation. The Project proposes to resurface the section of Merrydale in front of the Project site shown on the Tentative Map and slurry coat full width of Merrydale to Las Gallinas Ave.

The Project proposes to extend a gravity sewer line from the existing public sewer line in the Las Gallinas Ave right of way to the Project site in the Redwood Highway right of way enabling all the property owners along that frontage to connect thereto enabling the future abandonment of the existing old undersized sewer located on private property between the Redwood Highway and Merrydale Road property frontages. The Project proposes to reinstate the road surface within the Redwood Highway right of way affected by the installation.

### Proposed Landscaping and Associated Improvements

The proposed landscape plan includes improvements to the Merrydale Road frontage, the pedestrian Paseos, the dual-purpose Creek Promenade and along the east and south property lines. There are a total of 55 new trees and 2,651 shrubs/ground cover proposed to be planted. The homes along Merrydale Road are proposed to have private front patios with low stucco walls and gates. The Paseo between Buildings 7 and 8 is 23 feet wide and provides access to the entries of the homes at either side. It has a central planter which serves as a bio-filtration treatment area. Two decks span the central planter, creating points of connection from the front walks and include bench seating. The Paseo between Buildings 2, 3 and 4 is 29 feet wide and provides access to the entries of Building 2 and connectivity to the Creek Promenade. This Paseo also has a central planter which serves as a bio-filtration treatment area. There is a Boardwalk proposed which spans the center of the planter and provides a connection from the Paseo walk to Private Alley #2. A large 500 sq. ft. deck area is proposed directly adjacent to the 500 sq ft Community Room to serve as space for the residents to gather. This deck is furnished with tables, a barbeque, and planters with vertical screens and vine plantings to provide separation to the adjacent entries at Building 2.

### Dual Purpose Creek Promenade

The Project includes enhancements to the area adjacent to the top of bank for Las Gallinas Creek. The new enhancements have been designed to celebrate the Creek as a natural component of the residential development as opposed to letting it remain as a separate entity. The newly created Creek Promenade will be "dual purpose" area, combining pedestrian access, passive outdoor use (with removable benches) and children's play opportunities with vehicular access for the occasional creek maintenance requirements via a segregated dual purpose 10' wide linear path (with trees planted along the creek side). Vehicular maintenance access for Marin County Flood Control District (MCFCD)/City of San Rafael creek maintenance vehicles will be provided from Private Alley #1 and Private Street 'B' at which points there will be reinforced paved concrete pads for a crane to use in the event a tree needs to be removed from the creek. Three sections of removable fence will be provided for direct creek access. The creek and the freeway drainageway will be protected from the migration of debris and other objects with a continuous mesh fence along the top of bank. The top of creek bank will be lined with trees.

### Tree removal

A total of 43 mature trees of varying condition are located on the Project site and one tree that is dead. All trees have been proposed for removal except the grove of Redwoods on the northwest and northeast corners of the Project site, three on the south property line and the Bishop Pines and Coast Live Oak at the Redwood Highway entry. The trees proposed for removal are highlighted on the Tree Inventory. There are a total of 28 trees proposed for removal and 55 replacement trees proposed to be planted throughout the site, as well as along the Merrydale Road and Redwood Highway frontage.

### Creek Setback:

San Rafael Municipal Code Section 14.16.080 Creeks and Other Watercourses requires a setback of between 25' and 100' between any structure and high top of bank. To accommodate the proposed Project at the density proposed and with the Concessions/Incentives, Modifications/Waivers and Parking Reductions allowed, the Applicant is requesting a creek setback of 25 feet. The criteria for determining the amount of setback is set forth in San Rafael Municipal Code Section 14.16.080.C, therefore, the project proposes the following:

1. The setback provides for adequate maintenance, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting. The proposed 25-foot setback from top of bank includes the existing 15-foot maintenance easement from top of bank in addition to two reinforced concrete crane pads provides maintenance access, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting.
2. The setback adequately protects and preserves native riparian and wildlife habitat. According to the biological report prepared by WRA dated March 28, 2018 neither the south bank portion of the creek or the west bank portion of the freeway drainageway located on the Project site support any native riparian vegetation and provide only marginal habitat for wildlife. The Project does not propose to impact either the creek, the banks of the creek or the freeway drainageway. Development will be confined to the existing (currently paved) development envelope.
3. The setback protects major view corridors and provides for recreation opportunities where appropriate. There are presently no major view corridors from the Project site or the proposed setback. A one- and two-story storage facility is located directly to the north, the elevated freeway is located to the east, the area to the south is completely developed with residential and commercial uses and the area to the west comprises the San Rafael Meadows neighborhood.
4. The setback permits the provision of adequate and attractive natural landscaping. The setback is at least partially constrained by the maintenance easement and the City of San Rafael roadway and utility easement. The Project proposes the use of adequate and natural landscaping to the extent permitted by the February 2019 Joint Agencies Guidelines. The proposed creek promenade design and amenities have been informally reviewed as part of the monthly Marin Project Coordination Meeting. Agencies in attendance at these meetings can include County of Marin, California Department of Fish and Game, California Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers, Bay Conservation and Development Commission (BCDC), City of San Rafael and others. The City of San Rafael Planning Department, Public Works Department and Marin County Flood Control District reviewed the proposed "dual-use" Creek Promenade and determined that the design would be an improvement to the site, as well as allow needed access for maintenance activities.

San Rafael Municipal Code §14.16.080.E provides development guidelines for improvements within creek setbacks: Development Guidelines. Pedestrian and, bicycle access is encouraged along creek and drainage way corridors where feasible. However, improvements should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities.





## ARCHITECTURAL SITE PLAN 350 MERRYDALE ROAD

**Figure 3: Site Plan**



BUILDING 1  
(6 PLEX)

PRIVATE STREET "A"

BUILDING 9  
(4 PLEX)

EXISTING 2-STORY APARTMENT  
(300 MERRYDALE ROAD)

**WEST VIEW**  
VIEW ALONG MERRYDALE ROAD



PRIVATE ALLEY #5

BUILDING 9  
(4 PLEX)

PRIVATE ALLEY #5

BUILDING 8  
(4 PLEX)

S. PASEO

BUILDING 7  
(4 PLEX)

PRIVATE ALLEY #4

BUILDING 6  
(4 PLEX)

PRIVATE STREET "B"

**SOUTH VIEW**  
VIEW ALONG SOUTH PROPERTY LINE



P5X a/  
P4X a/  
ENTRY AND GARAGES

EAST



P5X a/  
P4X a/  
ENTRY AND TANDEM GARAGES

P3

P1

SOUTH

P3R

P5 a/  
P4 a/  
ENTRY, GARAGES,  
AND COMMUNITY ROOM



P5 a/  
P4 a/  
ENTRY, GARAGES,  
AND COMMUNITY ROOM

WEST



P5 a/  
P4 a/  
ENTRY, GARAGES,  
AND COMMUNITY ROOM

P3R

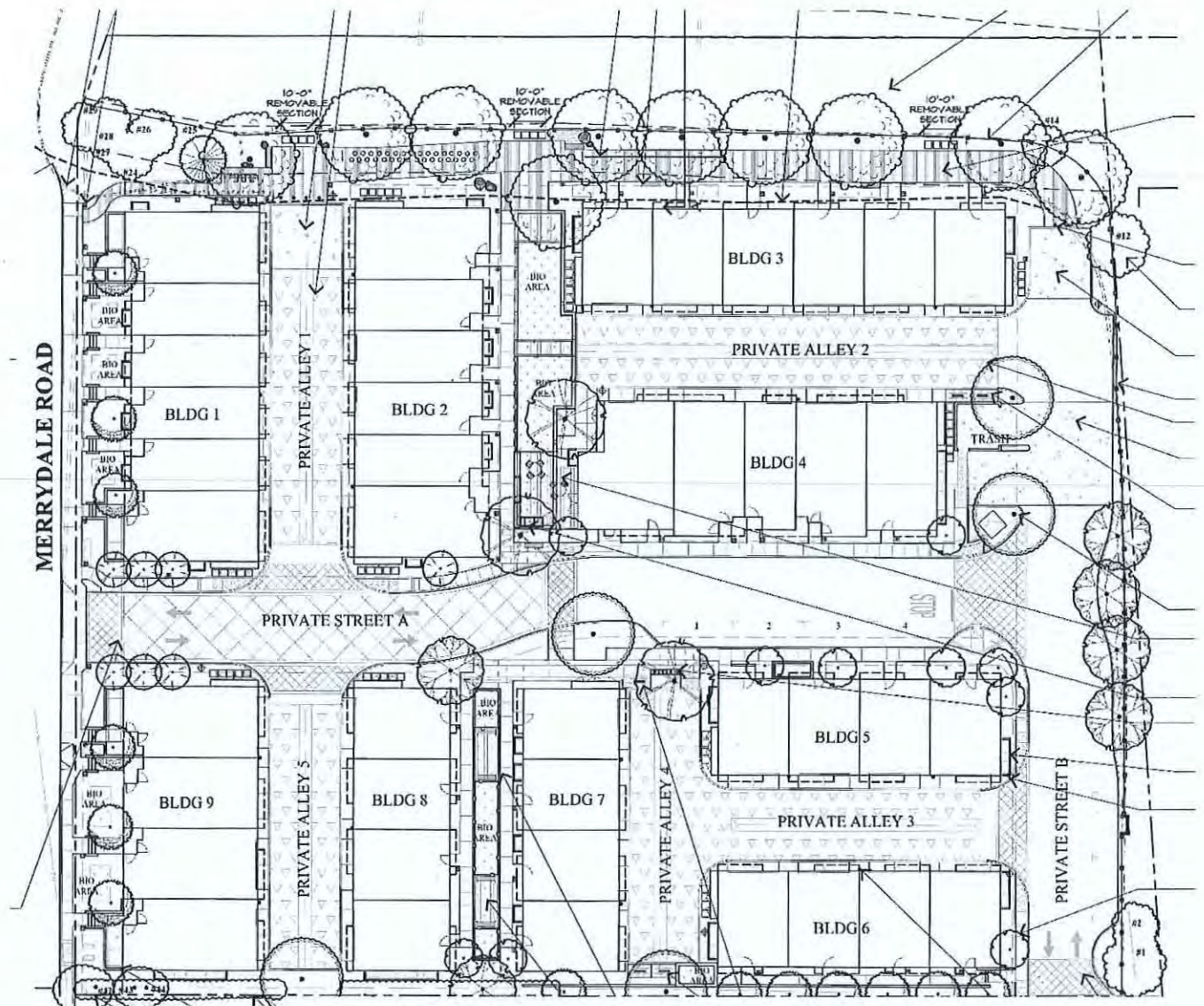
P1

NORTH

P3

P5X a/  
P4X a/  
ENTRY AND GARAGES

**Figure 4: Typical Elevations**



**PRELIMINARY PROPOSED PLANT PALETTE**

	BOTANICAL NAME	COMMON NAME	SIZE	WIDTH / HEIGHT	WATER USE	QUANTITY
<b>TREES</b>						
	EXISTING TREE TO REMAIN	#XXX				
	EXISTING TREE TO BE REMOVED	#XXX				
<b>SPECIMEN TREES</b>						
	OLEA 'WILSONII'	WILSON OLIVE	24" BOX	25' WIDE/25' HIGH	LOW	3
	TRISTANIA CONFERTA	BRISBANE BOX	24" BOX	25' WIDE/30-40' HIGH	LOW-MEDIUM	5
<b>ACCENT TREES</b>						
	PYRUS C. 'CAPITAL'	CAPITAL PEAR	24" BOX	12' WIDE/25' HIGH	LOW	7
<b>EVERGREEN TREES</b>						
	ARBUSUS MARINA	STRAWBERRY TREE	24" BOX	20' WIDE/30' HIGH	LOW	6
	PRUNUS CAROLINIANA 'COMPACTA'	CAROLINA CHERRY	15 GALLON	15' WIDE/10' HIGH	LOW	13
	LAURUS NOBILIS	SWEET BAY	24" BOX	15' WIDE/15' HIGH	LOW	10
<b>BOARDWALK TREES</b>						
	ARBUSUS MENZIESII (CA NATIVE)	MADRONE	15 GALLON	30' WIDE/30' HIGH	LOW	1
	CORNUS NUTTALLII (CA NATIVE)	PACIFIC DOGWOOD	15 GALLON	15' WIDE/15' HIGH	LOW	10

Figure 5: Landscape Plan

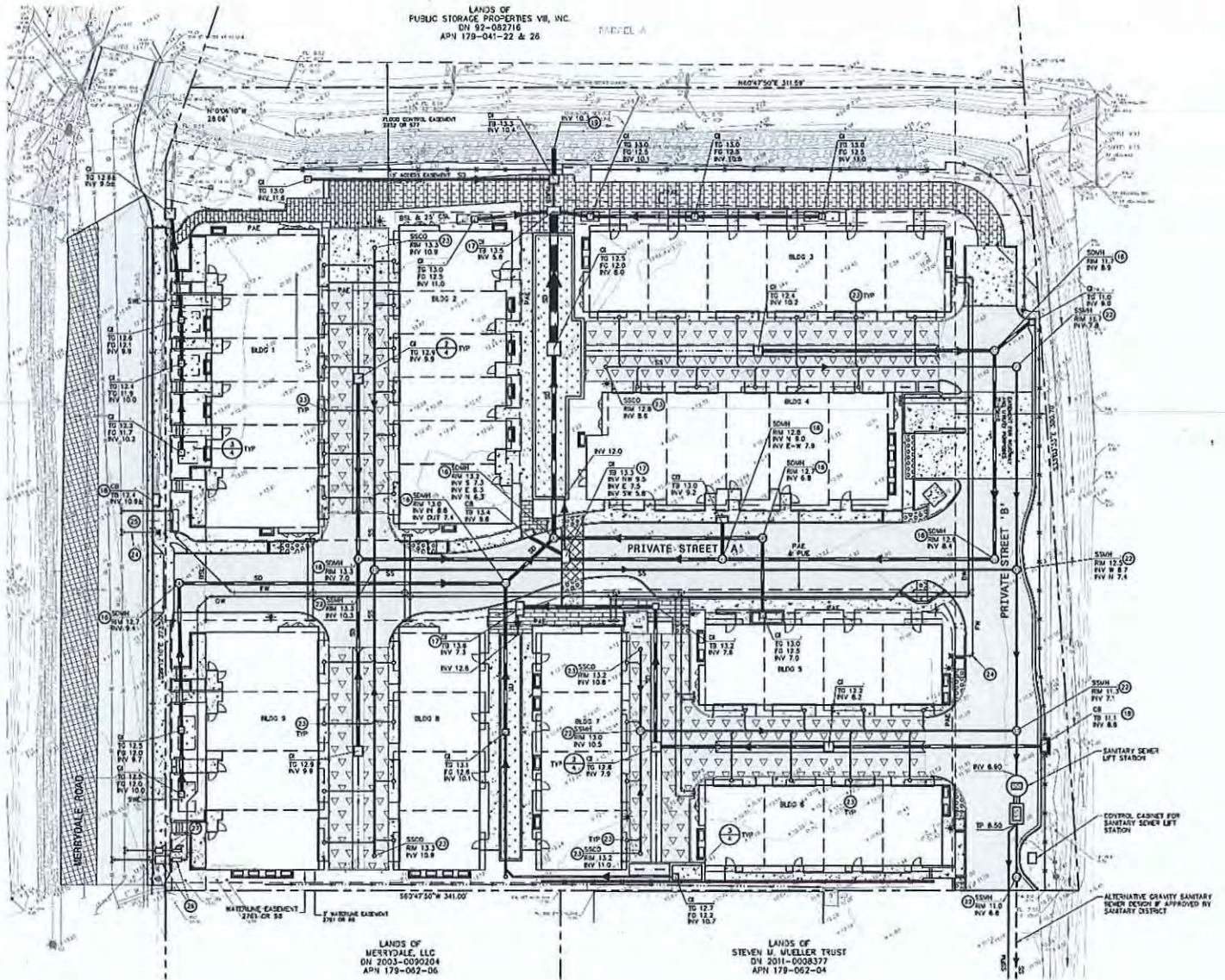


Figure 6: Utility Plan

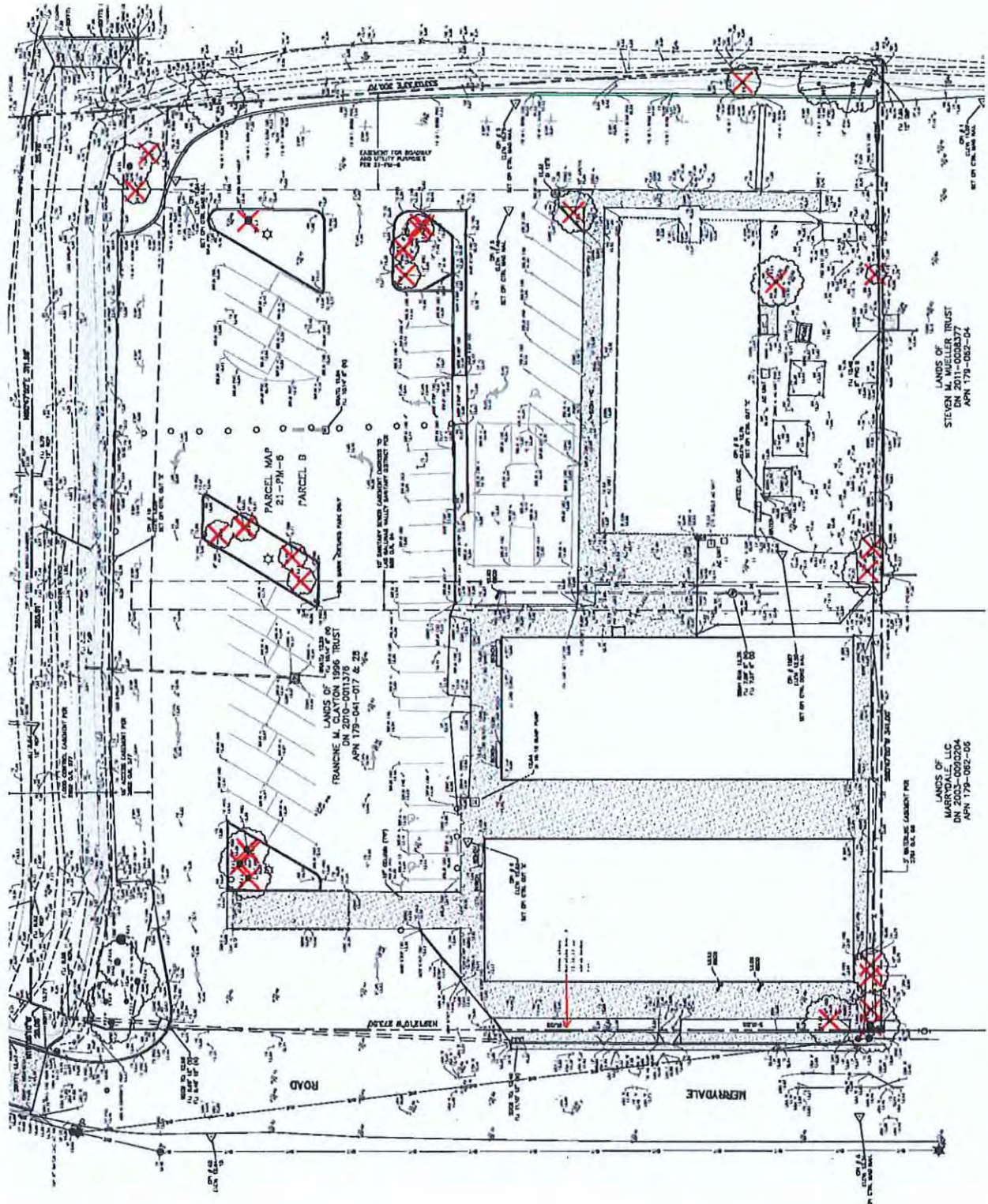


Figure 7: Tree Removal Plan

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture/Forestry Resources | <input checked="" type="checkbox"/> Air Quality                   |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources  | <input type="checkbox"/> Energy                                   |
| <input checked="" type="checkbox"/> Geology /Soils           | <input type="checkbox"/> Greenhouse Gas Emissions       | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology /Water Quality | <input type="checkbox"/> Land Use /Planning             | <input type="checkbox"/> Mineral Resources                        |
| <input checked="" type="checkbox"/> Noise                    | <input type="checkbox"/> Population/Housing             | <input type="checkbox"/> Public Services                          |
| <input type="checkbox"/> Recreation                          | <input checked="" type="checkbox"/> Transportation      | <input checked="" type="checkbox"/> Tribal Cultural Resources     |
| <input type="checkbox"/> Utilities/Service Systems           | <input type="checkbox"/> Wildfire                       | <input type="checkbox"/> Mandatory Finding of Significance        |

**DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an EARLIER EIR or NEGATIVE DECLARATION pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, title

## EVALUATION OF ENVIRONMENTAL IMPACTS

Evaluation of the Project environmental impacts is prepared as follows:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following: a) Earlier Analyses Used. Identify and state where they are available for review. b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- a. *Have a substantial adverse effect on a scenic vista?*

Discussion:

**Less Than Significant Impact:** A scenic vista is generally characterized as a panoramic view of attractive or impressive natural scenery. The scenic quality, sensitivity level and view access are important consideration when evaluating potential impacts on a scenic vista. For the purposes of CEQA review, and the City General Plan policies, impacts to public views are considered important protected resources. The following General Plan policy identifies important public views in the City.

**Community Design Policy CD-5 (Views).** Respect and enhance to the greatest extent possible, 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, parks and publicly accessible pathways.

The 350 Merrydale project would be considered an urban infill development project located in the Civic Center neighborhood area. Although the Civic Center is considered a scenic resource, no scenic vistas have been identified in the General Plan at or in the immediate vicinity of this site. The project would involve converting an existing one-story commercial/office building used as a training facility for developmentally disabled adults to nine (9) three-story residential townhome building (45-units) and associated site improvements. Views across the site to the southeast (towards the Civic Center) from Merrydale would change, but existing vegetation beyond Highway 101 partially obstructs this view. Therefore, the impact would be considered less than significant.

(Sources: 1, 2, 3, 4)

- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Discussion:

**Less Than Significant Impact:** The project site is located approximately 100 feet southwest of US 101 Highway near the Civic Center SMART station. The segment of US 101 is not a designated state scenic highway. Proposed project improvements would occur within the footprint of existing disturbance. Although the construction of the Project would require removal of 28 existing landscaping trees, this would not be considered an impact to scenic resources. The landscaping plan would introduce 55 new trees and other shrubs/groundcover throughout the project site. As such, because the project is not located within a state scenic highway and would not be substantially damaging scenic resources, there would be no impact.

(Sources: 1, 2, 3, 4)

- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that*



<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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*are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Discussion:

**Less Than Significant Impact:** The proposed project would require the construction of nine (9) three-story townhome buildings. Construction would require the removal of 28 existing trees. Although these trees are primarily mature parking lot landscaping trees, these 28 trees are not considered to have “significant” status per the San Rafael Municipal Code. Thirteen existing perimeter trees will remain on site (including Redwoods) and 55 new replacement trees are proposed as part of the project (including 29 evergreen trees).

Although the structure would not project over ridgelines or block views to cause potentially significant impacts on visual resources, the proposed project would represent a new sizable development footprint in an area currently screened by mature landscaping vegetation proposed to be removed. However, 1) the proposed development is located in an area formerly developed with commercial buildings and surface parking and does not extend outside the existing areas of disturbance; and 2) the retention of some mature screening vegetation and the addition of new trees and landscaping along Merrydale Road and Redwood Highway (Private Street ‘B’) as well as throughout the site will greatly reduce the potential for visual degradation.

(Sources: 1, 2, 3, 4)

*d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** The proposed project would construct nine (9) three-story townhome structures. Full occupancy of the residences will include evening and weekend activity. The project would include redevelopment of a commercial infill property located near Highway 101. However, the existing building footprint includes low one-story commercial structures with limited window openings. Development of the site for the proposed project would introduce additional building heights with many window articulations for residential uses. Therefore, the proposed usage of the building would be introducing a new source of light and glare that could affect nighttime views.

The project would result in the introduction of new sources of interior and exterior lighting, as well as landscape and signage lighting. Security lighting for the structures, pedestrian walkways and perimeter security lighting would be included. Although typical LED light standards are noted on the plans, all site lighting would be designed to meet the City of San Rafael minimum illumination standards for safety at all exterior doorways, parking areas and ground level walkways. Specific lighting levels would be subject review as part of a required post-installation lighting review by Planning staff, pursuant to SRMC Section 14.16.227. A Photometric Plan was submitted and reviewed by the Design Review Board on August 6, 2019 and recommended for approval to the Planning Commission. The following mitigation measure is included to ensure that lighting fixtures that meet building codes specifications area included within the project’s building plans:

**Mitigation Measure AES-1:** Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC Section 14.16.227. The project applicant shall also demonstrate to the

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)

With the incorporation of Mitigation Measure AES-1, the impact would be considered less than significant, and no further mitigation is required.

(Sources: 1, 2, 3, 4)

## II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to a forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resource Board. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a. <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b. <i>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c. <i>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 511104(g)) ?</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d. <i>Result in the loss of forest land or conversion of forest land to non-forest use?</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>e. <i>Involve other changes in the existing environment which, due to their location or</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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*nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact:** The project site is located in north San Rafael, in the Civic Center neighborhood, and is zoned for an educational training facility for development ally disabled adults under the current Planned Development (PD 1594) Zoning designation. The site is presently developed with commercial uses and parking areas and is not prime farmland. There are no Williamson Act contracts associated with the subject property, nor is the property zoned for agricultural uses. The proposed project would require the removal of some existing on-site mature trees, but these are not designated as forest land or timberland zoned Timberland Production. There would be no impact.

**(Sources: 1, 2, 3)**

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a. *Conflict with or obstruct implementation of the applicable air quality plan?*

Illingworth & Rodkin prepared an Air Quality environmental assessment report for the proposed project in October 2018.

Discussion:

**Less Than Significant Impact.** The project site is in Marin County, which is located within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) is responsible for assuring that the Federal and California Ambient Air Quality Standards are attained and maintained in the SFBAAB. The SFBAAB exceeds the state air quality standards for ozone and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The area is designated nonattainment for national standards of 8-hour ozone, 24-hour PM<sub>2.5</sub>, and state standards for 24-hour and annual PM<sub>10</sub>, and annual PM<sub>2.5</sub>.

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The significance thresholds identified by BAAQMD and are summarized in Table 1 of the Illingworth & Rodkin report. The BAAQMD's adoption of significance thresholds, where were contained in the 2011 CEQA Air Quality Guidelines, was called into question by an order issued March 5, 2012, in California Building Industry Association (CBIA) v. BAAQMD (Alameda Superior Court Case No. RGI0548693).

In December 2015, the Supreme Court determined that an analysis of the impacts of the environment on a project - known as "CEQA-in-reverse" - is only required under two limited circumstances: (1) when a statute provides an express legislative directive to consider such impacts; and (2) when a proposed project risks exacerbating environmental hazards or conditions that already exist (Cal. Supreme Court Case No. S213478). Because the Supreme Court's holding concerns the effects of the environment on a project (as contrasted to the effects of a proposed project on the environment), and not the science behind the thresholds, the significance thresholds

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contained in the CEQA Air Quality Guidelines are applied to this project. BAAQMD's updated 2017 CEQA Air Quality Guidelines are the most recent guidance and address the Court's ruling.

For projects, the determination of a significant cumulative air quality impact should be based on the consistency of the project with the Bay Area's most recently adopted Clean Air Plan. A project would be consistent with the 2010 Clean Air Plan if the project would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2010 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning ordinance zoning designations for the site. If the General Plan growth forecast was adopted prior to the adoption of the 2010 Clean Air Plan, then it can be safely assumed that the 2010 Clean Air Plan incorporates the growth forecast from the General Plan.

The Clean Air Plan assumptions for projected air emissions and pollutants in San Rafael are based on the land use and development projection assumptions in the San Rafael General Plan 2020 (General Plan). The adopted General Plan land use designation for the project site is Office, which permits both general, administrative, of and medical office uses. As such, the proposed project would not significantly affect regional vehicle miles traveled pursuant to the CEQA Guidelines (Section 15206) because of its consistency with adopted land use plans in the City of San Rafael. In addition, the proposed project would not have the potential to exceed the level of population or housing foreseen in regional planning efforts.

In 2011, the City of San Rafael adopted a new Sustainability Element for General Plan 2020 that contains a Climate Change Action Plan (CCAP). The CCAP includes goals to achieve greenhouse gas (GHG) level reduction by 2025 and 2050 that exceed the State's goals under AB 32. Because the proposed development project would be consistent with the General Plan land use designation, no analysis of GHG emissions is required under the provisions of the CCAP, provided the project is consistent with the City's "Greenhouse Gas Reduction Strategy Compliance Checklist", which lists all the individual City Ordinances that help implement the City's Sustainability Element goals.

The project would create temporary stationary source and mobile sources (construction activities) and permanent mobile sources from residential vehicles. The project's temporary stationary sources of air emissions would include minor amounts of hazardous materials (paints, solvents, finishes, etc) during construction activities and dust from grading and new site improvements. Temporary mobile sources of stationary air emissions would include constructions vehicles working on site, as well as vehicles travelling to and from the site during construction staging and off-haul of demolition and grading materials. The project would not conflict or obstruct implementation of the 2010 CAP given that the project related construction impacts would be temporary. Once constructed, the proposed townhome development would not be a source of permanent stationary air emissions. The project would however create mobile sources of air emissions from personal vehicles, delivery vehicles and weekly sanitation service pick-ups.

Illingworth & Rodkin concluded that the project operational emissions would not exceed the BAAQMD thresholds. Specifically, these thresholds are for ozone precursor pollutants (ROG and NOx), PM10, and PM2.5 and apply to both construction period and operational period impacts. Construction period emission thresholds and operational emission thresholds are detailed in Tables 2 and 3, respectively, of the Illingworth & Rodkin report. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any 8-hour averaging period during the last 3 years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air

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quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes less than the BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. However, according to screening thresholds in the BAAQMD CEQA Guidelines, the project would be too small to generate significant total emission of air contaminants. Therefore, the project would not cause the violation of an air quality standard or worsen an existing violation of an air quality standard. This would be a less than significant impact.

(Sources: 1, 2, 3, 4, 9, 16)

b. *Result in a cumulatively considerable net increase any criteria pollutant for which the project region is non – attainment under an applicable federal or state ambient air quality standard?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** The Bay Area is considered a non-attainment area for ground-level ozone and PM<sub>2.5</sub> under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered nonattainment for PM<sub>10</sub> under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM<sub>10</sub>, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> and apply to both construction period and operational period impacts.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in the Illingworth & Rodkin Air Quality Assessment as Attachment 2.

Construction period emissions

CalEEMod provided annual emissions for construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based on CalEEMod defaults for a project of this type and size and applicant information.

The proposed project land uses were input into CalEEMod, which included: 45 dwelling units entered as "Condo/Townhouse" and 7 "uncovered" parking spaces on site (Private Street 'A' and Private Street 'B'/Redwood Highway). In addition, 18,100 square feet (sf) of building demolition, and 2,000 cubic yards (cy) of export and 10,000 cy of import for the grading phase were entered into the model. The construction schedule assumed that the project would be built out over a period of approximately 2 years, consisting of the start of Pre-Phase activities (Spring of 2020), start of Building Phase 1 (Summer 2020) and the start of Building Phase 2 construction (Spring 2022). Based on the provided construction schedule and equipment usage assumptions, there were an estimated 256

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construction workdays. Average daily emissions were computed by dividing the total construction emissions by the number of construction days.

Operational Period Emissions

Operational air emissions from the project would be generated primarily from autos driven by future residents. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

Energy

CalEEMod defaults for energy use were used, which include the 2016 Title 24 Building Standards. Indirect emissions from electricity were computed in CalEEMod. The model has a default rate of 641.3 pounds of CO2 per megawatt of electricity produced, which is based on PG&E's 2008 emissions rate. The rate was adjusted to account for PG&E's projected 2020 CO2 intensity rate. This 2020 rate is based, in part, on the requirement of a renewable energy portfolio standard of 33 percent by the year 2020. The derived 2020 rate for PG&E was estimated at 290 pounds of CO2 per megawatt of electricity delivered.

Existing Uses

A CalEEMod model run was developed to compute emissions from use of the existing building as if it was operating in 2020. Inputs for this modeling scenario included 21,000 sf of "General Office Building" and 47,000 sf of "Parking Lot" to represent the existing commercial uses, and along with CalEEMod default trip rate generation rates, all inputs were applied to the modeling in the same manner described for the proposed project. Implementation of all feasible control measures, include the following mitigation measures, would reduce potential construction related air quality impacts to a less than significant level.

**Mitigation Measure AQ-1:** Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

In addition to the BAAQMD-recommended best management practices listed above, Mitigation Measure AQ-1 would require that the project develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 87 percent reduction in particulate matter exhaust emissions or more. The following mitigation measures would further ensure construction activities do not exceed criteria pollutant thresholds:

**Mitigation Measure AQ-1a:** All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.

- The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement.
- Use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.
- Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.

Implementation of Mitigation Measure AQ-1 and AQ-1a is considered to reduce fugitive dust emissions by over 70 percent and reduce on-site diesel exhaust emissions by over 85 percent. No further mitigation is required.

(Sources: 1, 2, 3, 4, 9, 16)

c. *Expose sensitive receptors to substantial pollutant concentrations?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of Toxic Air Contaminants (TACs) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The project would introduce new residents that are sensitive receptors. In addition, temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. Community risk impacts are addressed by increased predicting lifetime cancer risk, the increase in annual PM<sub>2.5</sub> concentrations and computing the Hazard Index (HI) for non-cancer health risks.

Operational Community Risk Impacts

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources can include freeways or highways, railways, busy surface streets, and stationary sources identified by BAAQMD. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in close proximity to the roadway. A review of the project area indicates that traffic on U.S. Highway 101, located approximately 100 feet east of the project site, would exceed 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. In addition, the Sonoma-Marín Rail Transit (SMART) rail line, located approximately 375 feet north of the project site, includes the operation of diesel-powered passenger trains. Figure 1 in the Illingworth & Rodkin Air Quality report shows the site location relative to nearby TAC sources.

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Highways - U.S. Highway 101

BAAQMD provides a *Highway Screening Analysis* Google Earth Map tool to identify estimated risk and hazard impacts from highways throughout the Bay Area. Cumulative risk, hazard and PM<sub>2.5</sub> impacts at various distances from the highway are estimated for different segments of the highways. The tool uses the average annual daily traffic (AADT) count, fleet mix and other modeling parameters specific to that segment of the highway. Impacts from Link 674 (6ft elevation) of U.S. Highway 101 to the project site, which would be about 100 feet west of the highway, were identified.

The cancer risk identified using the BAAQMD tool was adjusted using a factor of 1.3744 to account for new Office of Environmental Health Hazard Assessment (OEHHA) guidance. This factor was provided by BAAQMD for use with their CEQA screening tools that are used to predict cancer risk. Estimated cancer risk from the highway traffic would be 29.9 per million and PM<sub>2.5</sub> concentration would be 0.22 µg/m<sup>3</sup>. The maximum of chronic or acute HI for the highway would be 0.05. The predicted cancer risk is above the threshold of 10 chances per million. This would be a potentially significant impact.

SMART Train Line

The SMART railroad lies approximately 375 feet northwest of proposed project site. The SMART trains uses this rail line on a regular basis. Environmental studies were performed for each proposed rail use along the line in Marin and Sonoma counties and used to predict community risk levels from these activities. Both studies predicted maximum risk levels for a position of 30 feet from the rail line. Although these predictions are for positions much closer than depicted for project site, they were used as screening values for this analysis. Both health risk studies for these environmental evaluations were conducted prior to BAAQMD's adoption of age-sensitivity factors, which account for the greater sensitivity of infants and small children to cancer-causing TACs. The levels predicted in each study were increased by a factor of 1.7 to account for the age-sensitivity factors that assume the presence of infants and small children at residences and were then also increased by a factor of 1.3744 to reflect new OEHHA guidance. The predicted cancer risk, annual PM<sub>2.5</sub> concentrations and non-cancer hazards at 30 feet from the tracks would not exceed the BAAQMD significance thresholds. These levels would be considerably lower at 375 feet from the tracks where project residences would be located.

Cumulative Community Risk at Project Site

Cancer risk from U.S. Highway 101 would exceed the BAAQMD threshold. The effect of the SMART train line upon the site and the combined TAC and PM<sub>2.5</sub> sources within 1,000 feet of the project sites would not exceed the BAAQMD risk thresholds. Implementation of Mitigation Measure AQ-2 would reduce cumulative community risk impacts to a level of less than significant.

**Mitigation Measure AQ-2:** Include high-efficiency particulate filtration systems in residential ventilation systems.

The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM<sub>2.5</sub> concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM<sub>2.5</sub> concentrations are based on the exposure to PM<sub>2.5</sub> resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM<sub>2.5</sub> exposure drives the mitigation plan. Reducing PM<sub>2.5</sub> exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM<sub>2.5</sub> exposure for new project occupants:



<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above.
2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required.
3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

A properly installed and operated ventilation system with MERV13 filters should achieve reductions of 80 percent. PM<sub>2.5</sub> exposures for MERV 13 filtration cases were calculated assuming a combination of outdoor and indoor exposure. For use of MERV 13 filtration systems, without the additional use of sealed, inoperable windows and no balconies, three hours of outdoor exposure to ambient PM<sub>2.5</sub> concentrations and 21 hours of indoor exposure to filtered air was assumed. In this case, the effective control efficiency using a MERV 13 filtration system is about 70 percent from U.S. Highway 101 for TAC particulate matter exposure. This would reduce the maximum cancer risk to 9 chances per million or less and further reduce annual PM<sub>2.5</sub> concentrations. Implementation of Mitigation Measure AQ-2 would reduce this impact to a level of less than significant.

Project Construction Activity

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM<sub>2.5</sub>. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of Diesel Particulate Matter (DPM) and PM<sub>2.5</sub>. The closest sensitive receptors to the project site are residents of an apartment building adjacent to the southeastern site boundary, with additional residences in the nearby area surrounding the project site. Dispersion modeling was conducted to predict the offsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Construction Emissions

Construction period emissions were computed using CalEEMod along with projected construction activity, as described above. The CalEEMod model provided total annual PM<sub>10</sub> exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on road vehicles, with total emissions from all construction stages of 0.1308 tons (217 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on road vehicles traveling at or near the site would occur at the construction site. Fugitive PM<sub>2.5</sub> dust emissions were calculated by CalEEMod as 0.0093 tons (19 pounds) for the overall construction period.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict DPM and PM<sub>2.5</sub> concentrations at sensitive receptors (residences) that would be present in the vicinity of the project site during construction activities. Emission sources

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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for the construction site were grouped into two categories: exhaust emissions of DPM and fugitive PM<sub>2.5</sub> dust emissions. The AERMOD modeling utilized two area sources to represent the on-site construction emissions, one for exhaust emissions and one for fugitive dust emissions. To represent the construction equipment exhaust emissions, an emission release height of 6 meters (19.7 feet) was used for the area source. The elevated source height reflects the height of the equipment exhaust pipes plus an additional distance for the height of the exhaust plume above the exhaust pipes to account for plume rise of the exhaust gases. For modeling fugitive PM<sub>2.5</sub> emissions, a near-ground level release height of 2 meters (6.6 feet) was used for the area source. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources. Construction emissions were modeled as occurring daily between 7 a.m. and 4 p.m., when the majority of construction activity would occur.

The modeling used a five-year data set (2006-2010) of hourly meteorological data from the Gness Field Airport in Novato that was prepared for use with the AERMOD model by CARB for health risk assessments. The airport is about 10 miles north of the project site. Annual DPM and PM<sub>2.5</sub> concentrations from construction activities during the 2019 construction period were calculated using the model. DPM and PM<sub>2.5</sub> concentrations were calculated at nearby sensitive receptors. Receptor heights of 1.5 meters (5 feet) and 4.5 meters (15 feet) were used to represent the breathing heights of residents in nearby homes and apartment buildings on the first and second floor levels, respectively.

The maximum DPM and PM<sub>2.5</sub> concentrations occurred at the second-floor level (4.5 meter receptor height) of the apartment building adjacent to the southeastern project site boundary. Using the maximum annual modeled DPM concentration, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD recommended methods.

Predicted Cancer Risk and Hazards

The cancer risk calculations are based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences through the entire construction period. Results of this assessment indicate that the maximum increased residential cancer risks would be 78.3 in one million for an infant exposure and 1.4 in one million for an adult exposure. The maximum residential excess cancer risk would be above the BAAQMD significance threshold of 10.0 in one million. Implementation of Mitigation Measure AQ-1 and AQ-1a above would reduce this impact to a level of less than significant.

Predicted Annual PM<sub>2.5</sub> Concentration

The maximum-modeled annual PM<sub>2.5</sub> concentration, which is based on combined exhaust and fugitive dust emissions, was 0.51 µg/m<sup>3</sup>. This maximum annual PM<sub>2.5</sub> concentration would be above the BAAQMD significance threshold of greater than 0.3 µg/m<sup>3</sup>. Implementation of Mitigation Measure AQ-1 and AQ-1a above would reduce this impact to a level of less than significant.

Non-Cancer Hazards

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.4770 µg/m<sup>3</sup>. The maximum computed HI based on this DPM concentration is 0.095, which is lower than the BAAQMD significance criterion of a HI greater than 1.0. The project would have a *significant* impact with respect to community risk caused by project construction activities, since maximum cancer risk is above the single-source thresholds of 10.0 per million for cancer risk and the maximum annual PM<sub>2.5</sub> concentration would be above the BAAQMD significance threshold of greater than 0.3 µg/m<sup>3</sup>. Mitigation measure AQ-1 and AQ-1a above would reduce this impact to less than significant.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Implementation of **Mitigation Measure AQ-1 and AQ-1a** is considered to reduce fugitive dust emissions by over 70 percent and reduce on-site diesel exhaust emissions by over 85 percent. This would reduce the residential infant cancer risk proportionally, such that the mitigated risk at the residential receptor with the greatest impact would be less than 8.6 in one million and the maximum annual PM<sub>2.5</sub> concentration would be reduced to less than 0.06 µg/m<sup>3</sup>, which is less than the BAAQMD significance thresholds. After implementation of these mitigation measures, the project would have a less than significant impact with respect to community risk caused by construction activities. No further mitigation is required.

(Sources: 1, 2, 3, 4, 9, 16)

d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Discussion:

**No Impact.** The proposed project does not include any uses that would produce objectionable odors. The proposed use would be consistent with surrounding uses and long-term operation of the building would not create objectionable odors. Implementation of dust control measures in Mitigation Measure AQ-1 would reduce any potentially significant temporary impacts to a less than significant level. No further mitigation is required.

(Sources: 1, 2, 3, 4, 9)

#### IV. BIOLOGICAL RESOURCES

Would the project:

a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

The project applicant contracted the services of WRA, Inc. to prepare a Biological Site Constraints report on March 28, 2018. On March 5, 2018, WRA biologist conducted a field assessment of the Study Area.

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** WRA reviewed background literature to determine the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species. Resources reviewed for sensitive vegetation communities and aquatic features include aerial photography, mapped soil types, the California Native Plant Society (CNPS) Online Database (2018), the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDB, CDFW 2018), and the US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPac) database (USFWS 2018). For database queries, the San Rafael and Novato U.S. Geological Survey (USGS) 7.5-minute quadrangles were included as the focal search area (USGS 1980).

Special-Status Plant Species

Fifty-seven special-status plant species are known to occur in the vicinity of the Project Area (CDFW 2018, CNPS 2018, USFWS 2018). No rare plant species were observed during the WRA site visit. See the WRA report for

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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database search results and known special- status plant occurrences within a 2-mile radius of the Project Area. The Project Area does not contain suitable habitat for special- status plant species known to occur in the vicinity, based on the highly disturbed and developed conditions of the site. Therefore, there is no potential for the Project Area to support special- status plant species.

Special-Status Wildlife Species

Twenty-nine special-status species have been documented to occur within the vicinity of the Project Area (CDFW 2018, USFWS 2018). See the WRA report for database search results and known special- status wildlife occurrences within a 2-mile radius of the Project Area. All special-status wildlife species documented in the vicinity are unlikely or have no potential to occur within the Project Area due to lack of suitable habitat, previous and repeated site disturbance, adjacent urbanization, and barriers to wildlife movement.

WRA concluded that project activities within the Project Area are unlikely to disturb special-status species in the vicinity due to the distance between suitable habitat and the Project Area. The Project Area consists of buildings, parking lots, driveways, and landscaped vegetation and does not contain habitat to support these species. Based on absence of suitable feeding and breeding habitat and dispersal barriers (i.e. Highway 101, culverts) between the Project Area and documented occurrences of special-status wildlife, no project-related activities are expected to disturb special status wildlife.

Bats

California Fish and Game Codes (CFGC) protect non-listed bat species and their roosting habitat, including individual roosts and maternity colonies. Relevant regulations include CFGC Section 86; 2000; 2014; 3007; 4150, along with Title 14 of California Code of Regulations. Buildings can serve as day, night, or maternity roosts. Bats may roost in abandoned or occupied buildings; within attics; common living areas, or interstitial spaces between floors. Because bats can inhabit all portions of a building, bats have the potential to occur within the Project Area. To avoid construction impacts to bats, initiation and completion of demolition activities should occur between August 15 through October 15, which is when bats are generally absent from maternity and winter roosting sites. The intent is to remove all buildings and trees with structure capable of harboring a roosting bat in a time period in which that resource would not be occupied.

Nesting Birds

Within the Project Area, native birds may nest in trees, shrubbery, and even on buildings. Most native birds have baseline protections under the federal Migratory Bird Treaty Act of 1918 (MBTA) as well as the California Fish and Game Code (CFGC). Under these laws/codes, the intentional killing, collecting or trapping of covered species, including their active nests (those with eggs or young), is prohibited.

For the avoidance of impacts to native nesting birds protected by the MBTA and CFGC, future project activities should be initiated to the extent feasible, outside of the nesting season.

Based on the results of the site visit, the Project Area does not contain any sensitive vegetation communities due to development and regular disturbance. The Project Area does not have the potential to support special-status plant or wildlife species or disturb special-status wildlife. Additionally, the adjacent flood control drainages are unlikely to support any sensitive plant or wildlife species due to absence of suitable habitat and barriers to dispersal. Drainageway setbacks are not warranted given that the Project will not impact any non-developed portions of the site.

Construction activities should be initiated between September 1 and January 31 to avoid potential impacts to nesting birds.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Demolition of structures with the capacity to serve as a bat roost should be initiated after August 15 and be completed by October 15 to avoid potential impacts to roosting bats. Implementation of standard project best management practices and construction activities commencing during appropriate seasonal windows would reduce potential impacts to a less-than-significant levels. However, if construction activities commence between February 1 and August 31, the following mitigation measure shall be implemented to reduce potential impacts to less than significant levels.

**Mitigation Measure BIO-1: Pre-construction nesting bird and bat surveys**

The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.

- If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.
- If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.
- Buffers typically range from 25 feet to 500 feet depending on the species.
- If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.
- If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.

After implementation of Mitigation Measure BIO-1, the project would have a less-than-significant impact with respect to habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. No further mitigation is required.

(Sources: 1, 2, 5, 7, 11)

b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

Discussion:

**Less Than Significant Impact.** The subject property is bounded on two sides by Las Gallinas Creek to the north and a small unnamed drainageway to the east along the Hwy 101 frontage. WRA concluded that no riparian vegetation was present along the banks of either and native plant cover was sparse. The creek banks and drainageways are improved and/or managed as indicated by the rip- rap along the southern bank of the creek. There is an absence of riparian or wetland vegetation within the top of bank of the creek and drainageway. Both provide marginal habitat value for wetland or stream dependent plants and wildlife due to regular disturbance, absence of riparian or wetland habitat, and barriers to dispersal. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 5, 7, 11)

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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c. *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact. See Discussion in IV(b) above.** WRA concluded that no riparian vegetation was present along the banks of either Las Gallinas Creek or the adjacent drainageway to the east. and that native plant cover was sparse. The banks are improved and/or managed as indicated by the rip- rap along the southern bank of Las Gallinas Creek. The creek and drainageway are absent of riparian or wetland vegetation within the top of bank of each drainage.

Vegetation Communities

The Study Area is primarily developed with landscaped vegetation, and ruderal vegetation is present along both Las Gallinas Creek and the flood control drainageway along the east boundary of the Study Area. The landscaped vegetation within the developed portion of the Study Area divides paved parking lots and sidewalks to provide screening and aesthetic value to the hardscape. Landscaped areas contained an array of planted ornamental shrubs and trees, including coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), pines (*Pinus sp.*), and oleander (*Nerium oleander*), as well as naturalized species such as Kentucky blue grass (*Poa spp.*), filaree (*Erodium spp.*), and dandelion (*Taraxacum officinale*). The entire Project Area is landscaped vegetation.

Ruderal upland vegetation was growing within the bed and bank of the creek and d on top of the banks to the edge of pavement. Dominant plant species observed within the flood control drainageways include ripgut brome (*Bromus diandrus*), wild oats (*Avena barbata*), Robert’s geranium (*Geranium robertianum*), and fennel (*Foeniculum vulgare*). Native associated species include salt grass (*Distichlis spicata*), and pickleweed (*Salicornia sp.*); native vegetation was sparse. A patch of cattail (*Typha sp.*) was observed within the ordinary high-water mark at the very southern portion of the eastern drainageway.

Wetlands and Waters of the US/State

No wetlands or non-wetland waters were observed within the Project Area. Non-wetland waters of Marin County flood control drainageways occur within the Study Area, but outside of the Project Area, to the north and east. Las Gallinas Creek is an improved and maintained drainage channel, with rip-rap along the southern bank, which enters the westernmost portion of the parcel and travels east, exiting on the eastern side of the parcel through a culvert located under Highway 101. The eastern drainage way is an unimproved, maintained channel which enters the southernmost portion of the parcel and travels north, exiting through the same culvert under Highway 101. The flood control drainages connect to the south fork of Galinas Creek via culverts under Highway 101 which daylight north of McInnis Parkway, approximately 550 feet to the northeast. Galinas Creek empties into San Pablo Bay, approximately two miles northeast of the Project Area; therefore, these non-wetland waters receive both muted tidal and freshwater inputs. No riparian vegetation was present along the banks of either drainageway and native plant cover was sparse.

Additionally, the adjacent creek/drainageways are unlikely to support any sensitive plant or wildlife species due to absence of suitable habitat and barriers to dispersal. Drainageway setbacks are not warranted given that the Project will not impact any non-developed portions of the site. Therefore, the impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 5, 7, 11)**

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project site is located in an area urban area developed with commercial and residential buildings on three side. US Highway 101 forms a boundary on the eastern side of the project site. No wildlife corridors or nursery sites exist within proximity to the subject property. As discussed in section IV(c) above, there is no suitable habitat in the adjacent creek/drainageways. As such, the proposed project would not interfere substantially with migratory wildlife corridors. As discussed above in section IV(a) above, if construction activities commence during the nesting season, a pre-construction survey will be required to prevent impacts to migratory or nesting birds. Therefore, the impacts to migratory species or nursery sites would be considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 5, 7, 11)**

e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The City of San Rafael does not have an adopted tree preservation policy or ordinance. Tree removal and replacement is evaluated through the City’s Environmental and Design Review Permit Review Criteria (SRMC Section 14.25.050.G). The proposed project includes removal of 28 existing mature landscape trees on site. The project tree inventory is included as Figure 7 above. The proposed project includes 55 replacement trees throughout the project site and along the proposed paseo to the north. 13 trees will remain on site (including redwood trees). For these reasons, the impact would be considered less than significant, and no further mitigation would be required.

**(Sources: 1, 2, 5, 7, 11)**

f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The City of San Rafael does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan that apply to the site. There are no regional or state habitat conservation plans that apply to the area. Therefore, there is no impact, and no mitigation is required.

**(Sources: 1, 2, 5, 7, 11)**

## V. CULTURAL RESOURCES

Would the project:

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The proposed project involves demolition of the existing buildings for development of nine (9) three-story townhome structures. The existing buildings were constructed in 1967 or 1968 as a school facility but does not meet criteria as defined in CEQA Guidelines Section 15064.5: The existing structures and site have been modified over the years and do not appear to have any historical significance. William Roop of Archaeological Resource Service (ARS) prepare a cultural resource evaluation of the subject property in March 2018. As part of the evaluation, ARS determined that the property was not recorded as a historical resource in the Regional Office of California Historical Resources Information System. The project site is not listed in the 1986 City of San Rafael Historical/Architectural Survey. As such, the proposed project would have a less than significant impact on any historical resource and no mitigation is required

(Sources: 1, 3, 4, 13, 14, 24, 25)

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

ARS confirmed that the entire project site area appears to have been heavily modified in the past. Development of the site for original construction of existing buildings would have disrupted any archaeological deposits if they were present. Indications of the disturbance would likely still be apparent when examining remnant soils.

Based on the results of the cultural resources investigation conducted for the proposed project, no prehistoric or historic-period archaeological resources were identified within the project area.

Although construction of the proposed project would have no impact on known archaeological resources, there is a possibility that previously unidentified archaeological resources and subsurface deposits are present within the project area. If present, excavation, grading, and movement of heavy construction vehicles and equipment could expose, disturb or damage any such previously unrecorded archaeological resources. Because the possibility of encountering archaeological resources during construction cannot be completely discounted, the impact related to the potential disturbance or damage of previously undiscovered archaeological resources, if present, could be significant.

**Mitigation Measure CULT-1: Protect Archaeological Resources Identified during Construction:**

The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).

Implementation of Mitigation Measure CULT-1 (Protect of Archaeological Resources Identified during Construction) would reduce impacts on any previously unrecorded and buried archaeological resources to less-than



<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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significant-levels by requiring the Project proponent and its contractors to adhere to appropriate procedures and protocols for minimizing such impacts, in the event that a possible archaeological resource is discovered during construction. Following construction, operation of the proposed project would not result in further ground disturbance within the Project area. Therefore, no operational impacts to archaeological resources would occur.

Impacts to previously unidentified archaeological resources within the project area would be reduced to a less-than-significant level and no further mitigation is required.

(Sources: 1, 3, 4, 13, 14, 24, 25)

c. *Disturb any human remains, including those interred outside of formal cemeteries?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** See discussion in V(b) above (as well as Section XVIII Tribal below). There are no formal cemeteries or known interred human remains within the Project area or on the subject site. No evidence of human remains was identified within the project area. However, the potential for their presence cannot be entirely ruled out. Construction-related excavation could expose and disturb, or damage previously undiscovered human remains.

Therefore, to reduce the potential disturbance of unknown human remains during construction to less than significant levels, the following mitigation measure is proposed:

**Mitigation Measure CULT-2: Protect Human Remains Identified During Construction:** The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner’s determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant (“MLD”). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

Mitigation Measure CULT-2 would be implemented during project construction to minimize potential impacts on any buried human remains and associated or unassociated funerary objects that may be accidentally discovered during construction activities to less-than-significant levels by requiring the District to adhere to appropriate excavation, removal, recordation, analysis, custodianship, and final disposition protocols. Therefore, implementation of Mitigation Measure CULT-2 would reduce this potential impact on buried human remains to less than significant and no further mitigation is required.

(Sources: 1, 3, 4, 13, 14, 24, 25)

**VI. ENERGY**

Would the project:

a. *Result in potentially significant environmental impact due to wasteful,*

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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*inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Discussion:

**Less Than Significant Impact:** Short-term energy demand would result from construction activities occurring as a result of construction. Short-term demand would include energy needed to power worker and vendor vehicle trips as well as construction equipment. Long-term energy demand would result from operation of the project, which would include activities such as lighting, heating, and cooling of structures.

Although implementation of the project would result in an increase in energy usage compared to current conditions due to the new structures on the project site, the increase in energy use would not be wasteful nor inefficient because of measures incorporated into project design, including energy-efficient building design meeting CALGreen requirements. While no solar power is proposed as part of this project, all townhome units (and to the extent practicable, all stacked flats) will be provided with pre-wiring for PV rooftop solar systems. Also, all garages will be provided with 220-volt power points suitable for EV charging.

In order to meet the reduction targets, new construction projects must be determined to be consistent with the GHG Emissions Reduction Strategy. A checklist has been developed to be used in reviewing new development applications, to ensure that GHG reduction measures are incorporated into the project design and operation. Project compliance with the measures in the checklist would exempt individual, quantitative study of GHG emissions for an individual development project. Development projects that are not able to meet the standards in the checklist, or projects that propose an amendment to the San Rafael General Plan 2020 (e.g., a change in land use that results in changes to the projections used in the strategy) would require an individual, quantitative GHG emissions assessment. The project proposes land uses that are permitted by the San Rafael General Plan. Therefore, the project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation is required.

**(Sources: 1, 2, 4, 9, 12, 15, 16, 17)**

b. *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Discussion:

**Less Than Significant Impact:** The project would be required to comply with Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards. Additionally, the project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. The project would not conflict with or obstruct with applicable State and local plans for promoting use of renewable energy and energy efficiency. Therefore, the impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 4, 9, 12, 15, 16, 17)**

## VII. GEOLOGY AND SOILS

Would the project:

a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project applicant contracted the services of ENGEO from San Ramon, CA, to evaluate the subsurface conditions at the site and prepare geotechnical recommendations for the proposed 45-unit townhome development site. The Preliminary Geotechnical Exploration provides recommendations for liquefaction susceptibility, slope setback, foundations, seismic design, pavement design, drainage and stormwater retention areas.

Discussion:

**No Impact:** The subject site is located within the tectonically active and geologically complex northern Coast Ranges but is not mapped within an Alquist-Priolo Earthquake Fault Zone. The northern Coast Ranges were segmented into a series of tectonic blocks separated by major faults including the San Andreas, Rodgers Creek, Hayward, and Calaveras. The project site is situated between the active Rodgers Creek and San Andreas faults, but no known active faults with Holocene movement (last 11,000 years) lie within the limits of the site. In the event of a major earthquake in the Bay Area, the site may be susceptible to seismic shaking and related ground failure. However, surface rupture is highly unlikely at this site since no active faults are known to cross the project site and the site is not located within the Alquist-Priolo Earthquake Fault Zone. There would be no impact.

**(Sources: 1, 2, 3, 4, 6, 19)**

ii) *Strong seismic ground shaking?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** As discussed in the proposed project's Geotechnical Exploration report, strong seismic ground shaking at the site is highly probably during the life of the project. The site will likely experience severe ground shaking from a major earthquake originating from the major active Bay Area faults, particularly the nearby San Andreas Fault (approximately 10.5 miles from the site) or Hayward-Rodgers Creek Fault (approximately 8.5 miles from the site). The intensity of ground shaking will depend on the characteristics of the causative fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. The report concludes that the project improvements should be designed in accordance with the California Building Code and recommended seismic design parameters provided in the Section 4.4 of the ENGEO study. Furthermore, construction level designs would be reviewed and approved by the City of San Rafael pursuant to the most current CBC regulations and standards.

The potential for strong seismic shaking at the project site is high. Due to their proximity and historic rates of activity, the San Andreas and Hayward Faults present the highest potential for severe ground shaking. The

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements. Therefore, to reduce the potential impacts related seismic shaking to less than significant levels, the following mitigation measure is proposed:

**Mitigation Measure GEO -1:** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 4 of the May 8, 2018 ENGEO report.

Implementation of Mitigation Measure GEO-1 will reduce potential impacts to less than significant levels and no further mitigation measures will be required.

(Sources: 1, 2, 3, 4, 6, 19)

iii) *Seismic related ground failure, including liquefaction?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** Liquefaction refers to the sudden, temporary loss of soil strength during strong ground shaking. Research and historical data indicate that soil liquefaction generally occurs in saturated, loose granular soil (primarily fine to medium-grained, clean sand deposits) during or after strong seismic ground shaking and is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to flow as a liquid. However, because of the higher inter-granular pressure of the soil at greater depths, the potential for liquefaction is generally limited to the upper 40 feet of the soil. Potential hazards associated with soil liquefaction below or near a structure include loss of foundation support, lateral spreading, sand boils, and areal and differential settlement. Lateral spreading is lateral ground movement, with some vertical component, as a result of liquefaction. Lateral spreading can occur on relatively flat sites with slopes less than two percent under certain circumstances. Lateral spreading can cause ground cracking and settlement.

The project site is not currently within the State of California Special Study Zones. However, as indicated on the Marin Map GIS online mapping tool and the liquefaction hazard susceptible map regenerated by Association of Bay Area Governments (ABAG) based on the United States Geological Survey (USGS), the site is located in an area with high liquefaction potential. These conditions are also included in Figure 4, Liquefaction Susceptibility Map of the ENGEO report. The site is predominantly underlain by clays with interlays of sandy soil below the groundwater table. Groundwater was encountered in borings at 3 to 4 feet below the existing ground surface. Based on the information collected during the field investigation, laboratory test results, silty nature of the soils encountered in the borings within the project site, and shallow depth to groundwater, ENGEO concluded that the potential for liquefaction to occur at the project site is likely. Soil tests at the project site indicate that ground settlement of the near surface soils in a seismic event is also likely.

The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans:

**Mitigation Measure GEO-2:** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGEO report.

Implementation of Mitigation Measure GEO-2 will reduce impacts from seismic related ground failure, including liquefaction, to a less than significant level and no further mitigation is required.

(Sources: 1, 2, 3, 4, 6, 19)

iv) *Landslides?*

Discussion:

**Less Than Significant Impact:** Potential seismic hazards resulting from a nearby moderate to major earthquake can generally be classified as primary and secondary. The primary effect is ground rupture, also called surface faulting. The common secondary seismic hazards include ground shaking, ground lurching, soil liquefaction, lateral spreading, and flooding. These hazards are discussed in the following sections. Based on topographic and lithologic data, regional subsidence or uplift and landslides hazards are considered low at the site. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 6, 19)

b. *Result in substantial soil erosion or the loss of topsoil?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** Sandy soils on moderate slopes or clayey soils on steep slopes are susceptible to erosion when exposed to concentrated surface water flow. The site is relatively level with little relief thus the potential for significant erosion at the site is minimal. Project development would cover the entire site with the proposed structures and landscaping improvements. As proposed, the civil plans collect surface water into a storm drain system to temporary retention systems onsite and into the City storm drainage system. Erosion control measures during and after construction would be required to conform to the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards. Conditions of approval would be included in project approvals requiring adherence to the various local and regulatory agencies permitting procedures.

The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address issues of topsoil erosion:

**Mitigation Measure GEO-3:** Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.

Implementation of Mitigation Measure GEO-3 will reduce impacts from loss of soil or topsoil erosion, to a less than significant level and no further mitigation is required.

(Sources: 1, 2, 3, 4, 6, 19)

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on, or off, site landslide, lateral spreading, subsidence, liquefaction or collapse?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** The ENGEO study describes lateral spreading as lateral ground movement, with some vertical component, as a result of liquefaction. Lateral spreading and earthquake-induced landsliding involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a layer of liquefied sands or weak soils. The soil rides on top of the liquefied layer. Lateral spreading can occur on relatively flat sites with slopes less than two percent under certain circumstances. Lateral spreading can cause ground cracking and settlement. The project site is not currently within the State of California Special Study Zones.

Due to creek channel to the north creating a free-face and potentially liquefiable material, there is a potential for lateral stability along the northern portion of the site. Because the bank face is relatively low (approximately 6 feet tall), ENGEO recommends a preliminary setback as discussed in Section 4.2 of their report. Additional analysis can be performed during design-level study to determine the potential for lateral displacement and impacts to the project. ENGEO recommendations suggest slope stability and slope stabilization be addressed in the construction design-level evaluation. Based on the information collected during the field investigation, ENGEO concluded that there is low potential for liquefaction, subsidence or related ground cracking, and/or collapsible soils at the project site.

Building plans would be required to comply with The Uniform Building Code (UBC) and the California Building Code (CBC) for earthquake-resistant design parameters. This would include designing the foundations to account for minor settlements and lateral ground movements due to possible lurching. Mitigation measures would be similar to those associated with liquefaction.

Design level Incorporation of Mitigation Measures GEO-1 and GEO-2 would reduce the potential impacts to less than significant levels and no further mitigation is required.  
(Sources: 1, 2, 3, 4, 6, 19)

d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** ENGEO collected near surface soil samples and tested the surface material through Attenburg Limit laboratory evaluation which indicated a Plasticity Index (PI) of 17 indicative of a moderately expansive clay material. Successful performance of structures on expansive soils requires special attention during construction. Expansive soils change in volume with changes in moisture. These soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavement, and structures founded on shallow foundations. It is imperative that exposed soils be kept moist prior to placement of concrete for foundation construction. ENGEO provided preliminary grading recommendations for compaction of clay soil at the site. The preliminary recommendations will ensure reduction of swell potential of the clay by compacting the soil at a high moisture content and controlling the amount of compaction.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address issues of expansive soils:

**Mitigation Measure GEO-4:** Soils shall be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.

Incorporation of Mitigation Measures GEO-1, GEO-2, and GEO-4 would reduce the potential impacts to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 6, 19)

e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No impact.** No septic tanks would be used as part of the proposed project. The project will be required to connect to the existing Las Gallinas Valley Sanitation District sanitary sewer. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed project's implementation.

(Sources: 1, 2, 3, 4, 6, 19)

f. *Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** The proposed project includes near-surface ground-disturbing activities, such as grading and trenching for construction of new buildings, and various site improvements for landscaping, pathways, lighting, parking, and utilities. The project site is flat and disturbed and does not contain a unique geologic feature. Bedrock geology in this area generally consists of rocks that are a part of the Franciscan Complex, which are an assemblage of deformed and metamorphosed rock units. The ENGEO report indicates deposits underlying the subject site are comprised of Quaternary aged alluvium at the project site. These deposits consist of sand, gravel, silt, and clay derived from streams and slope-wash. To the north and northeast of the site are mapped artificial fill over marine and marsh deposits. The marine and marsh deposits consist of organic silty clay, silt, and sand and likely were deposited in an estuarine deposit on the margins of San Pablo Bay. Because of the complex nature of an estuarine environment, the alluvium and the marine and marsh deposits may interfinger and interlayer in the area surrounding the site. (ENGEO, 2018). As discussed above, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. However, paleontological resources could be encountered when excavation occurs in previously undisturbed soil and bedrock.

The implementation of Mitigation Measure GEO-5, which requires that excavation activities be halted should a paleontological resource be encountered and the curation of any substantial find, would reduce this impact to a less-than significant level.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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**Mitigation Measure GEO-5:** Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.

If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

“The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”

(Sources: 1, 2, 3, 4, 6, 19)

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The project sponsor contracted with Illingworth & Rodkin to prepare an Air Quality Assessment in October 2018. Illingworth & Rodkin also evaluated Greenhouse gas (GHG) conditions in the vicinity of the project site pursuant to the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines (BAAQMD, 2017).



<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Discussion:

**Less Than Significant Impact.** Climate change refers to change in the Earth’s weather patterns, including the rise in temperature due to an increase in heat-trapping GHGs in the atmosphere. In 2016, the California Air Resources Board (CARB) estimated that transportation was responsible for about 39 percent of California’s GHG emissions, followed by industrial sources at about 21 percent and electrical power generation at about 16 percent (CARB, 2018). In 2015, 85 million metric tons of CO2e were emitted from anthropogenic sources within the San Francisco Bay Area Air Basin (SFBAAB). Emissions of CO2 dominate the GHG inventory in the SFBAAB, accounting for about 90 percent of the total CO2e emissions reported (BAAQMD, 2017).

BAAQMD Climate Protection Program

The BAAQMD is the regional government agency that regulates sources of air pollution within the nine Bay Area counties. The BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin (SFBAAB). The climate protection program includes measures that promote energy efficiency, reduce VMTs, and develop alternative sources of energy, all of which assist in reducing emissions of GHGs and in reducing air pollutants that affect the health of residents. The BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD 2017 Clean Air Plan

The BAAQMD and other air districts prepare clean air plans in accordance with the state and federal Clean Air Acts. In April 2017, the BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP), which is a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and ambient concentrations of harmful pollutants. The 2017 CAP also includes measures designed to reduce GHG emissions.

City of San Rafael Climate Action Plan

In 2009, the City of San Rafael adopted the Climate Change Action Plan (CCAP) in response to AB 32, the California Global Warming Solutions Act. The CCAP includes strategies for transportation, waste reduction, land use, energy conservation, and sequestration that aim to reduce GHG emissions by 25 percent below 2005 levels by 2020. The intention of these strategies is to set a path toward reducing GHG emissions by 80 percent below 2005 levels by 2050. In 2011, the City of San Rafael adopted a new Sustainability Element for General Plan 2020 that allows the City to use the CCAP as a quantified GHG Reduction Strategy and streamline the analysis of future projects under CEQA.

On May 6, 2019, the City adopted the Final Draft Climate Change Action Plan 2030 (CCAP 2030), which is an update the 2009 CCAP and establishes a new interim target of reducing GHG emissions by 40 percent below 1990 levels by 2030, and outlines the steps that residents, businesses, and the City can take to reach that goal. The CCAP 2030 has been prepared pursuant to CEQA Guidelines Section 15183.5 and is considered a Qualified Greenhouse Gas Reduction Plan for streamlining CEQA analysis.

City of San Rafael Green Building Ordinance

In January 2014, the City of San Rafael updated its Green Building Ordinance to comply with the State’s CALGreen Code for new residential and non-residential development projects. All newly constructed residential and non-residential buildings must be designed to include the green building measures specified as mandatory in the CALGreen Code and detailed in the application checklists.

Thresholds of Significance

*Significant Impact*      *Less-Than-Significant With Mitigation Incorporation*      *Less-Than-Significant Impact*      *No Impact*

Amendments to the San Rafael Municipal Code have also been made, and are currently being pursued, to provide legislative standards that implement the Sustainability Element and the CCAP (this has included updates to adopt City water-efficient landscaping standards, parking paving, design and landscape requirements, a ban on foam containers and plastic bags, among others). Compliance with the CCAP assures that the Sustainability Element policies would be addressed, and that a development project would satisfy regional air quality and GHG reduction requirements enforced by the Bay Area Air Quality Management District (BAAQMD).

A project is also subject to an initial screening to ensure that the project that complies with the GHG strategy would not still result in potentially significant air quality impacts. If all the screening criteria are met by the project then the City would not need to perform a detailed air quality assessment of the project air pollutant emissions. The screening criteria are used for non-stationary source emissions. Stationary source emissions (e.g., backup generators) are not included in the screening estimates provided by BAAQMD, and for criteria pollutants must be added to the indirect mobile and area source emissions generated by the land use development and sources should not be combined with operational emissions but compared to separate stationary source greenhouse gas threshold. The screening criteria developed for criteria pollutants and precursors, and greenhouse gases were derived using the default emissions assumptions used by the Urban Land Use Emissions Model (URBEMIS) and using off-model GHG estimates for indirect emissions from electrical generation, solid waste and water conveyance. If the project has other significant sources of GHG emissions not accounted for in the methodology described herein, then the screening criteria should not be used. Projects below the applicable screening criteria shown in the BAAQMD Table 3-1 would not exceed the 1,100 MT of CO<sub>2</sub>e/year GHG threshold of significance for projects other than permitted stationary sources.

If a project including stationary sources is located in a community with a qualified GHG reduction strategy, the project may be considered less than significant if it consistent with the GHG reduction strategy. A project must demonstrate its consistency by identifying and implementing all feasible measures and policies from the GHG reduction strategy into the project.

**BAAQMD THRESHOLDS TABLE 3-1 (BAAQMD CEQA Guidelines)**

Land Use Type	<i>Operational Criteria Pollutant Screening Size</i>	<i>Operational GHG Screening Size</i>	<i>Construction-Related Screening Size</i>
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)

As indicated above, the proposed project is only 45 townhomes which is well below the operational screening size for pollutant criteria.

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

CalEEMod Modeling

Illingworth & Rodkin used the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 to predict GHG emissions from operation of the site assuming full build-out of the project. The electricity produced emission rate was modified in CalEEMod with a default emission factor of 641.3 pounds of CO<sub>2</sub> per megawatt of electricity produced, which is based on PG&E's 2008 emissions rate. PG&E published 2015 emissions rates for 2009 through 2015, which showed the emission rate for delivered electricity had been reduced to 405 pounds CO<sub>2</sub> per megawatt

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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of electricity delivered. The projected GHG intensity factor for the year 2020 is 290 pounds of CO2 per megawatt of electricity produced.

Service Population Emissions

The project service population efficiency rate is based on the number of future residences. Illingworth & Rodkin calculated the number of future residences estimated at 113 based on the latest California Department of Finance data of 2.53 average persons per household for the City of San Rafael.

Construction Emissions

Illingworth & Rodkin concluded that GHG emissions associated with construction were computed to be 297 MT of CO2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. Best management practices assumed to be incorporated into construction of the proposed project include but are not limited to: using local building materials of at least 10 percent and recycling or reusing at least 50 percent of construction waste or demolition materials.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully-developed site under the proposed project. Illingworth & Rodkin calculated annual emissions resulting from operation of the proposed project to be 322 MT of CO2e. The annual emissions from operation of the existing buildings in 2020 are computed as 237 MT of CO2e. The net emissions resulting from the project would be 85 MT of CO2e. The net emission increase would not exceed the BAAQMD threshold of 1,100 MT of CO2e/yr. This would be considered a less than significant impact and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9, 12, 15, 16, 17)

b. Conflict with an applicable plan, policy or regulation for the purpose of reducing the emissions of greenhouse gases?

Discussion:

**Less Than Significant Impact:** As discussed above, the project’s GHG emissions impact is considered less than significant because the project is consistent with the CCAP 2030 and falls well below thresholds for net emissions. No mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9, 12, 15, 16, 17)

**IX. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Discussion:

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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**Less Than Significant Impact with Mitigation Incorporation:** The major transportation route in proximity to the project site is US Highway 101 to the east of the subject property. Merrydale Road is a north-south road connecting the Los Ranchitos neighborhood to Highway 101 and North San Pedro Road. Surrounding land uses mainly consist of medium to low density residential, commercial uses, and public storage. Transportation accidents involving hazardous materials could occur on Merrydale Road, which provides access to the project site. However, the proposed project includes development of 45 townhomes for residential use. No hazardous materials would be included in the construction or long-term use of the project. Use of the subject property is not expected to transport, use, or dispose of significant amounts of hazardous materials. Hazardous materials would be limited to those associated with property maintenance including common landscaping fertilizers, pesticides, paint, solvent, and petroleum products. These materials would be used in limited quantities and are not considered a significant hazard to the public.

The proposed project includes the demolition of the existing structures on the subject property. The original buildings were constructed in the 1960s, as such, demolition work could require transport, use, or disposal of hazardous materials during construction activities. Removal of demolition debris may contain hazardous building materials such as asbestos-containing pipe, asbestos-containing materials, polychlorinated biphenyls, and lead containing paints. As a result, the potential for disposal of hazardous materials would require the following mitigation measure:

**Mitigation Measure HAZ-1:** Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.

Implementation of this mitigation measure would reduce potential impacts from release of hazardous materials during building demolition to a less than significant levels, and no further mitigation is required.

(Sources: 1, 2, 3, 4, 9, 12, 16)

b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Discussion:

**Less Than Significant Impact.** The project site contains several classroom-type commercial buildings and there are no known hazardous materials currently stored, used, or delivered to the project area. Development and use of the subject property would be residential in nature, and is not expected to upset or release hazardous materials into the environment. As discussed in Response IX(a) above, hazardous materials would be limited to those associated with property maintenance including common landscaping fertilizers, pesticides, paint, solvent, and petroleum products. These materials would be used in limited quantities and are not considered a significant hazard to the public. Disposal needs of any on-site hazardous materials handled during project construction are addressed under Response IX (a) above Mitigation Measure HAZ-1. Potential impacts associated with the proposed project are, therefore, considered less than significant and no further mitigation is required.

(Sources: 1, 2, 3, 4, 9, 12, 16)

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** As discussed in Response IX(a) and (b) above, the proposed project involves replacement of existing commercial related uses on the subject property with new townhome residential uses. The current and proposed uses do not include hazardous emissions or hazardous materials on site. The nearest school, Venetia Valley School, is located approximately 3/4 -mile to the east and across Highway 101. Terra Linda High School is approximately one mile west of the project site. A children’s daycare, Miss Nicky’s Preschool and Toddler Center, is located approximately 1,400 feet south, on the west side of Merrydale Road. As proposed residential development and use, there would be no hazardous emissions or the handling or hazardous or acutely hazardous substances or waste. Some hazardous materials could be used in the daily maintenance of the subject property, but not in quantity considered hazardous to sensitive receptors. Therefore, the impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4, 9, 12, 16)**

d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The proposed project includes replacement of an existing commercial development for residential townhomes that will require excavation of materials on site to develop new foundations and other associated infrastructure. As part of the site evaluation, ENGEO prepared a Phase I Environmental Site Assessment in April 2018 which concluded past documentation associated with potential for underground storage tanks (UST). Based on the documentation, ENGEO conducted a subsurface geophysical survey on June 2018 and field sampling on October 13, 2018 to determine if USTs remained on the property. No existing USTs or evidence of former USTs was observed in the locations of the subsurface geophysical survey. However, site construction activities could uncover potentially impacted soil or buried structures or equipment. As a result, the excavation of site materials during construction activities would require the following mitigation measure.

**Mitigation Measure HAZ-2:** Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for proper handling of soils and/or structures/equipment.

Implementation of this mitigation measure would reduce potential impacts from discovery of USTs or impacted soil during site excavation to a less than significant levels, and no further mitigation is required.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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(Sources: 1, 2, 3)

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Discussion:

**No impact.** The project site is not located within an airport land use plan. However, there are two airports within approximately 1.25 miles and 9.75 miles of the project site within Marin County. The nearest general aviation airport is the private Marin Ranch/San Rafael Airport located at 400 Smith Ranch Road in San Rafael, approximately 1.25 miles northeast from the subject property. Marin County Airport at Gness Field is located at 351 Airport Road in the City of Novato, approximately 9.75 miles from the subject property. The project area is not within the safety zones (or Comprehensive Land Use area) of either airport. The project site is not located within an airport land use plan, nor within 2 miles of a public airport or public use airport. Therefore, no impact would result from implementation of the project and as such, no mitigation measures are required.

(Sources: 1, 2, 3)

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Discussion:

**No impact.** The proposed project would not impair or physically interfere with an adopted emergency response or evacuation plan because the project does not include any actions that would interfere with emergency response and evacuation plan policies adopted by the City or other emergency agency responsible for emergency preparedness. The proposed project would be consistent with the General Plan and Zoning Ordinance in terms of the types of land uses, including residential uses. The proposed project has been reviewed by City Departments, including Public Works, Fire, and Police and responsible agencies. The project has been reviewed by the City of San Rafael Fire Prevention Bureau and no concerns have been raised about the City's ability to provide continuing services to the project site nor that it would interfere with and adopted emergency response or evacuation plan. There would be no impact.

(Sources: 1, 2, 3, 4, 5, 12)

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Discussion:

**Less Than Significant Impact:** The subject property is not located within the City's Wildland-Urban Interface (WUI) zone. The project includes design features that address potential fire related concerns including access and egress and sprinklers and other fire suppression measures. The proposed project has been reviewed by City Departments, including Public Works and Fire, and no concerns have been raised about exposing people or

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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structures to significant risk or loss, injury or death involving wildland fires. For these reasons, the impact is considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 12)

## X. HYDROLOGY AND WATER QUALITY

Would the project:

a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Discussion:

**Less Than Significant Impact With Mitigation Incorporation.** The proposed project includes development of residential townhome project and the demolition of three classroom-type commercial buildings. The proposed project will include landscaping including irrigation and site drainage. To minimize water quality impacts associated with the proposed project, construction activities would be required to comply with a Storm Water Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). Additionally, the proposed project would also implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment.

***Construction Activities***

Development activities would involve demolition, grading, construction, and paving. During these activities, there would be the potential for surface water runoff from construction sites to carry sediment and pollutants into stormwater drainage systems and local waterways, including the existing drainages adjacent to the project site. Grading and the exposure of shallow soils related to grading could result in erosion and sedimentation. The accumulation of sediment could result in the blockage of flows, potentially causing increased localized ponding or flooding. Construction activities would require the use of gasoline and diesel- powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction. An accidental release of any of these substances could degrade the quality of the surface water runoff and adversely affect receiving waters. To ensure potential impacts for construction activities do not violate any water quality standards or west discharge requirements, the following mitigation measure is required:

**Mitigation Measure HYDRO-1:** Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:

- 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
- 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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- 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;
- 4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
- 5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

The SWPPP/ESCP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A QSP shall be responsible for implementing the BMPs at the project site. The QSP shall also be responsible for performing all required monitoring, BMP inspection, maintenance and repair activities, and reporting.

**Operational Phase**

The development of new or replacement impervious surfaces on the project site could result in the discharge of associated pollutants. Runoff from new landscaped areas may contain residual pesticides and nutrients, and occupants of the building and associated foot traffic could increase the amount of trash and debris entering the stormwater drainage system.

**Mitigation Measure HYDRO-2:** Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:

- 1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.
- 2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.
- 3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.
- 4) Funding for long-term maintenance of all BMPs shall be specified.

Implementation of mitigation measures Mitigation Measures HYDRO-1 and HYDRO-2 would ensure that development activities associated with the proposed project would not result in the discharge of pollutants or impact water quality of standards during construction activities and the ongoing operations of the project site. The potential impacts would be considered less than significant, and no further mitigation is required.

(Sources: 1, 2, 3, 4, 7, 12, 23)

b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*



<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Discussion:

**Less Than Significant Impact:** The project is located within the Marin Municipal Water District (MMWD) and would utilize domestic water provided by the MMWD. As a result, the proposed project would not substantially deplete groundwater supplies. MMWD has reviewed the project plans and provided their comments in a letter to the City with the finding that there is adequate water supply to service the proposed project. Given that the site is already served for commercial and irrigation use, and the project is proposing 45 townhomes in nine buildings, MMWD will require a pipeline extension from the end of their District's existing facilities and a pipeline extension agreement between the project sponsor and the MMWD and approved by the MMWD Board of Directors. All constructions activities would be paid for by the applicant/sponsor. There are no active wells at the site and the proposed project would have no impact upon groundwater recharge given that the site is fully developed.

Since the new structures will displace the existing surface parking and paved areas, there will be a net reduction in the amount of impervious surface area from 1.7 acres pre-project to 1.3 acres post construction. As discussed in Response X(a) above, surface run off would be governed by a SWPPP, including minimum BMP standards as required by the RWQCB and City of San Rafael Municipal Code. Furthermore, construction level designs would be required to meet Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards and regulations for storm water runoff as required by the City of San Rafael. Assuch, the proposed project would not interfere substantially with ground water recharge. For these reasons, the potential impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 7, 12, 19, 23)

*c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

*i) Result in substantial erosion or siltation on- or off-site;*

Discussion:

**Less Than Significant Impact.** See Response X(a) above. The design and construction of new improvements are subject to review by the City Engineer and Department of Public Works and are subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). The project requires a water quality certification from the RWQCB for the discharge to waters of the US and State of California associated with the construction of the new residential townhomes. City building permit standard requirements also include the submission of an erosion control plan, which includes the measures that would be taken to prevent loose dirt and soil from entering into San Francisco Bay. Implementation of standard requirements from the City of San Rafael, MCSTOPPP, and RWQCB would ensure that the project does not violate any water quality standards or impair water quality. No improvements are proposed within the adjacent drainages that would redirect stream flows. Because the proposed project would not alter any existing streams or drainage patterns, and surface water runoff is controlled onsite, potential impacts from erosion or siltation are considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 7, 12, 23)

*ii) Substantially increase the rate or amount of surface runoff in a manner*

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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*which would result in flooding on- or offsite;*

Discussion:

**Less Than Significant Impact:** The project site contains existing storm drainage infrastructure serving the surface parking lots and building roof area. The existing storm drainage infrastructure discharges runoff to connections with the City of San Rafael storm drainage system. This existing infrastructure would be repurposed to serve the new residential development. The new development will displace an existing surface parking area and structures in generally the same footprint. In addition, project design includes stormwater management including bioretention areas, and, as result, there would be a net decrease in the amount of impervious surface area. As such, the proposed project would not result in flooding on- or off-site.

It is required by Marin County and the City of San Rafael that the proposed development would not increase the discharged storm drain peak flow and volume. Because the site is currently fully covered with structures and a parking lot, redevelopment of the site with the proposed project would not change the flow and volume of storm drain run-off discharged from the site. Bioretention basins, infiltration planters and underground storage (if required) would be designed to eliminate impacts to water quality and quantity downstream. Construction level plans would be required to satisfy the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID to minimize impacts from construction activities. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

**(Sources: 1, 2, 3, 4, 7, 12, 18, 23)**

*iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** See Response X(a) above. The project site contains existing storm drainage infrastructure consisting of catch basins and underground piping which would be updated to manage the proposed development. The existing storm drainage infrastructure discharges runoff to connections with the City of San Rafael storm drainage system. This existing infrastructure would be repurposed to serve the proposed development. In addition, project design includes stormwater management including bioretention areas, and, as result, there would be a net decrease in the amount of impervious surface area. As such, the proposed project would not result in increased downstream flow rates that would exceed the capacity of the stormwater drainage systems. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

**(Sources: 1, 2, 3, 4, 7, 12, 18, 23)**

*iv) Impede or redirect flood flows?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** The project site contains existing storm drainage infrastructure serving the surface parking lots and existing building roof area. The existing storm drainage infrastructure discharges runoff to connections with the City of San Rafael storm drainage system. This existing infrastructure would be repurposed to serve the new residential development. The new development will displace an existing surface parking area and structures in generally the same footprint. In addition, project design includes stormwater management including

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bioretention areas, and, as result, there would be a net decrease in the amount of impervious surface area. As such, the proposed project would not result in flooding on- or off-site.

It is required by Marin County and the City of San Rafael that the proposed development would not increase the discharged storm drain peak flow and volume. Because the site is currently fully covered with structures and a parking lot, redevelopment of the site with the proposed project would not change the flow and volume of storm drain run-off discharged from the site. Bioretention basins, infiltration planters and underground storage (if required) would be designed to eliminate impacts to water quality and quantity downstream. Construction level plans would be required to satisfy the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID to minimize impacts from construction activities. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

**(Sources: 1, 2, 3, 4, 7, 12, 23)**

- d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Discussion:

**No Impact.** There would be no risk of inundation by seiche, tsunami or mudflow at the project site. Areas of potential tsunami inundation associated with South Gallinas Creek are over half a mile away and ten feet lower in elevation than the project site. In addition, there are no lakes, water towers or other water features that pose a rise of seiche near the building. There would be no impact.

**(Sources: 1, 3, 4, 18)**

- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Discussion:

**Less Than Significant Impact.** The proposed residential townhome development and associated site improvements includes the redevelopment of an existing disturbed commercial property used for classrooms/offices and will not obstruct implementation of a water quality control plan or substantial groundwater management plan. As discussed in this Section X, the proposed project would be required to comply with City development standards including the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

**(Sources: 1, 2, 3, 12, 23)**

**XI. LAND USE AND PLANNING**

Would the project:

- a. *Physically divide an established community?*

Discussion:

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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**No Impact.** The project site is designated in the San Rafael General Plan 2020 for General Commercial (GC) Land Use, which allows a residential density of 15-32 units per acre. The project site has a Planned Development (PD1594) zoning classification that allows the site to be used as a training center for developmentally disabled adults. Since the PD 1594 zoning was specific to the use approved, it will require a PD rezoning for this proposed project to allow for the residential uses and to allow redevelopment of a site with an existing non-conforming minimum lot size (minimum lot size for the PD zone is 2.5 acres). The proposed project would be consistent with the General Plan Land Use and Zoning designations with PD rezoning. The proposed improvements would be residential in nature and would create a transitional zone between one story single family residential to the west, two-story multi-family residential uses to the immediate south (with a mix of general commercial uses as well closer to the Hwy 101 south bound on ramp), and general commercial use to the north. For these reasons, the proposed project would not physically divide an established community, and therefore, there would be no impact, and no mitigation is required.

(Sources: 1, 2, 3, 4)

b. *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Discussion:

**Less Than Significant Impact.** As discussed above in Section XI(a), the proposed residential townhome uses would be consistent with the General Plan Land Use Map designation which contemplates residential density at 15-32 units/acres. The project site is approximately 2.28 acres when PD zoning requires a minimum lot size of 2.5 acres. A new PD is required to the existing PD (1594) zoning designation to permit residential uses and to allow for redevelopment of a site with a non-conforming minimum lot size. However, creating a new PD would still be consistent with overarching GP land use designation, which does envision residential uses. The project site is currently zoned PD (1594), which does not allow residential uses. Therefore, both parcels would have to be rezoned to accommodate the proposed project. The City of San Rafael supports the proposed re-zoning to a new PD District and determined that the most compatible rezoning would be one that incorporates the style of the surrounding two-story, multi-family properties on the east side of Merrydale, which are zoned HR-1 (High Density Residential). This design choice is more appropriate than using the R7.5 (Single Family Zoning) design of the single-family residential homes along the west side of Merrydale. The proposed project would be consistent with HR-1 development standards regulating building setback, maximum lot coverage building height, parking, and landscaping. No Variances to the HR-1 property development standards are requested. The design of the buildings would be governed pursuant to San Rafael General Plan Community Design Element Policy CD-11: Multifamily Design Guidelines. The new buildings would replace existing one-story commercial buildings and a surface parking lot with residential townhome structure heights approximately 33 feet above existing grade to top of roof.

Therefore, the proposed project would generally be in conformance with the San Rafael General Plan and the impact is considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 12)

## XII. MINERAL RESOURCES

Would the project:

	<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** No known mineral resources would be impacted by the proposed project, which would be located on a previously disturbed site located in the Civic Center area of San Rafael. There would be no impact.  
**(Sources: 1, 2, 3)**

b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The project site is located in the Civic Center area of San Rafael and is not identified in the General Plan as a mineral resource recovery site. There would be no impact.  
**(Sources: 1, 2, 3)**

### XIII. NOISE

Would the project result in:

a. *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Illingworth & Rodkin prepared a technical noise assessment for the proposed project in November 2018.

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** The project is located at the end of Merrydale Road and Redwood Highway in North San Rafael. Adjacent and surrounding properties include Highway 101, residential housing and commercial/office uses, including the Rafael Meadows neighborhood to the west and the Marin County Civic Center to east and across Highway 101. The primary noise source at the site is vehicular traffic along US-10 I and local traffic along Merrydale Road. US-101 is elevated by about 10 feet above the project site. Residential and commercial structures surround the project site. A noise monitoring survey was performed in the vicinity of the project site beginning Monday, May 21, 2018 and concluding on Thursday, May 24, 2018. The monitoring survey included two long-term noise measurements and five short-term measurements and are documented in the Illingworth & Rodkin report.

City of San Rafael General Plan.

The Noise Element in the City of San Rafael's 2020 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San Rafael. The following goals and policies are applicable to the proposed project:

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**N-1a. Acoustical Studies.** Require acoustical studies for all new residential projects within the projected Ldn 60 dB noise contours (refer to Exhibit 31) so that noise mitigation can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future exposure and the mitigation measures that may be used to achieve outdoor and indoor standards.

**N-2. Exterior Noise Standards for Residential Use Areas.** The exterior noise standard for backyards and/or common usable outdoor areas in a new residential development is up to Ldn of 60 dB. In common usable outdoor areas in Downtown, mixed-use residential, and high-density residential districts, up to Ldn of 65 dB may be allowed if determined acceptable through development review.

**N-3. Planning and Design of New Development.** Encourage new development to be planned and designed to minimize noise impacts from outside sources. Noise mitigation measures must be taken through appropriate site planning, architectural layout or buildings, use of noise barriers where ever required, construction modifications and using alternatives to sound walls. Detailed guidelines for these mitigation measures are available in the General Plan document.

**N-9. Nuisance Noise.** Minimize impacts from noise levels that exceed community sound levels by enforcing and updating noise ordinance, mitigating noise from construction activities, etc.:

Applicable noise levels for interior and exterior noise are given below:

Interior Noise Levels

The City 's standard for normally acceptable interior noise levels in bedrooms of residential units not in downtown is 40 dB Ldn, and 45 dB Ldn for other rooms of residential units not in downtown, bedrooms of residential units in downtown, hotels, motels, and downtown multifamily homes.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dB Ldn or less for residential, hotels, schools, playgrounds and outdoor areas, 65 dB Ldn for office and commercial land use, 70 dB Ldn for industrial, agricultural and manufacturing land use (Exhibit 31 of the San Rafael General Plan).

Future Exterior Noise Environment

The primary noise sources at the site would continue to be vehicular traffic on US- 101 and Merrydale Road. US- 101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Road under future conditions (2040) due to increases in traffic volumes on Merrydale Road. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase.

The community open space area between Buildings 2 and 3 would be exposed to 52 dBA Ldn. Exterior noise levels would meet the City's acceptable exterior noise level criteria of 60 dBA Ldn for residential use at the community open space area between Buildings 2 and 3, but would exceed the criteria at the community open space area adjacent to US-101. Due to the elevation differences between US- 101 and the community open space area, noise barriers constructed outside of the Caltrans right-of-way would provide only minimal noise reduction in this area. The community open space between Buildings 2 and 3 would meet the City's acceptable exterior noise level objectives with no additional noise reduction measures.

Future interior Noise Environment

The City of San Rafael requires that interior noise levels be maintained at 40 dBA Ldn for bedrooms in residential units not in downtown and 45 dBA Ldn otherwise. Although the project is not located in downtown San Rafael, it

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is recommended that the 45 dBA Ldn criteria be used due to its proximity to US-101. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Road up to 58 dBA Ldn.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA Ldn, the inclusion of adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to control noise. Where noise levels exceed 65 dBA Ldn, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination or smaller window and door sizes as a percentage of the total building facade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The calculated exterior noise level exposures of building facades are summarized in Table 5 of the Illingworth & Rodkin report, based on the results of the noise monitoring survey. As shown in Table 5 the calculated interior noise levels of all townhomes would exceed the 40 dBA Ldn threshold with windows partially open. Buildings 2 through 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The minimum STC2 ratings required for windows in Buildings 3 through 7 to achieve the 40 dBA Ldn and 45 dBA Ldn thresholds is summarized in Table 5. The Illingworth & Rodkin analysis assumes that the facade area is made up of 40% windows. Where STC rated windows are recommended, windows are assumed to be in the closed position, requiring forced-air ventilation to allow occupants the option of keeping windows closed. As a result, to ensure consistency with the San Rafael General Plan, Illingworth & Rodkin recommends incorporation of conditions of approval including providing suitable form or forced-air mechanical ventilation, and sound rated construction for Buildings 3 through 7 to maintain interior noise levels at acceptable levels. These conditions would be implemented prior to issuance of building permits by the San Rafael Building Department.

In addition to traffic related discussions, the proposed project would be evaluated for noise related impacts based on temporary and operational impacts. The City's Municipal Code establishes allowable hours of construction between 7 am and 6 pm Monday through Friday and 9 am and 6 pm on Saturdays, with no construction activities permitted on Sundays and holidays. Noise levels at any point within the city limits are also limited to 90 dBA Leq. Project construction would occur only within allowable hours. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. The project is evaluated on the basis of typical construction noise levels at a distance of 50 feet, average noise level ranges, by construction phase, and the maximum noise level ranges for different construction equipment. Most demolition and construction noise falls with the range of 80 to 90 dBA at a distance of 50 feet from the source.

<i>Significant Impact</i>	<i>Less-Than-Significant With Mitigation Incorporation</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
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The construction of the proposed project would involve demolition of existing structures and pavement, site preparation, grading and excavation, trenching, building erection, and paving. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well. Pile driving is not anticipated in any phase of construction of the project.

At 50 feet from the noise source, maximum instantaneous noise levels generated by project construction equipment are calculated to range from 78 to 90 dBA Lmax and hourly average noise levels are calculated to range from 74 to 85 dBA Leq.

The closest noise sensitive use is a residential building located 25 feet south of the project site. This residence would be exposed to a maximum noise level of 98 dBA Lmax if the concrete saw is used during demolition at a distance of 25 feet. Maximum noise levels of 84 to 91 dBA Lmax would be anticipated during all other phases of construction at a distance of 25 feet. Typical hourly average noise levels 80 to 91 dBA Leq are anticipated at a distance of 25 feet. At residences across Merrydale Road, located about 75 feet west of the site, maximum instantaneous noise levels would be about 86 dBA Lmax during use of the concrete saw near the adjoining property line and 74 to 81 dBA Lmax during all other construction located near the adjoining property line. Typical hourly average noise levels at residences across Merrydale Road would range from 70 to 81 dBA Leq when heavy construction is located near the adjoining property line. Construction noise levels would exceed 90 dBA Lmax during use of the concrete saw within 50 feet of residences.

The following mitigation measure is included to ensure that the recommendations in the Illingworth & Rodkin Noise Assessment report would reduce potential impacts related to short-term increases in noise during project construction activities.

**Mitigation Measure NOISE-1:** Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance.

- Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays.
- Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible. Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling or internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to



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correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Implementation of Mitigation Measure NOISE-1 and incorporation of suggested conditions of approval specific to building construction requirements would reduce the potential impacts to short-term and long-term increases in ambient noise levels in the vicinity of the project to less than significant levels and no further mitigation is required. (Sources: 1, 2, 3, 4, 5, 8, 12)

b. *Generation of excessive ground borne vibration or ground borne noise levels?*

Discussion:

**Less Than Significant Impact.** City of San Rafael's General Plan does not specify a construction vibration limit. Based on the thresholds provided by Caltrans, a construction vibration limit of 0.3 in/sec PPV would minimize damage at buildings of normal conventional construction. A significant impact would occur if buildings adjacent to the proposed construction site were exposed to vibration levels in excess of 0.3 in/sec PPV.

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site demolition work, preparation work, excavation of below-grade levels, foundation work, and new building framing and finishing.

Construction activities, such as use of saws, excavators, scrapers and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. The nearest existing structure is 25 feet south of the proposed project proposed. Pile driving is not anticipated for this project. At a distance of 25 feet vibration levels from construction are anticipated to be 0.21 in/sec PPV or less. Vibration levels may be perceptible to occupants but would be below the 0.3 in/sec PPV vibration limit and would not be anticipated to cause architectural or structural damage. As construction moves away from the shared property lines, vibration levels would be even lower. This would be considered a less-than-significant impact and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 8, 12)

c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Discussion:

**Less Than Significant Impact.** The project is located in North San Rafael and there are no public airports near the project site. The San Rafael/Marin Ranch airstrip, a private airport, is located approximately 1.25 miles to the northeast of the project site but does not have an airport land use plan. The runway and flight patterns for the airport are directed in a northeast/southwest alignment which directs air traffic away from the project site. Furthermore, the project site is located directly adjacent and west of the Highway 101 freeway which dominates the noise setting for the project site. For these reasons, the impact would be considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4)

#### XIV. POPULATION AND HOUSING

Would the project:

- a. *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The proposed project includes 45 residential townhome units on approximately 2.28 acres in an urbanized area within the General Plan area. The proposed density would be approximately 19 units per acre where the General Plan allows 15-32 units per acre or a maximum of 72 units. The project site has been contemplated for a higher density of growth in the 2020 General Plan, as reflected by the density calculation for the site. The project does not propose the extension of any roadways or infrastructure such as water or sewer service, nor significantly expand any of those services in a fashion that would remove a barrier to growth that previously inhibited growth in the area. Further, the project does not propose new jobs or businesses that would attract more people to the area resulting in an indirect need for additional roadways or public services. Therefore, potential impacts are less than significant.

**(Sources: 1, 2, 3, 4)**

- b. *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The subject property is currently developed with one-story commercial building and surface parking lots. The proposed project involves development of 45 residential townhome units and rezoning the existing PD zoning designation to allow residential uses on site. Proposed infrastructure improvements, including site drainage and internal roadways would be necessary to lessen potential traffic impacts but would be constructed in areas of previous disturbance. No housing would be impacted by the proposed project. Therefore, there would be no impact, and no mitigation is required.

**(Sources: 1, 2, 3)**

#### XV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to

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maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. *Fire protection?*

Discussion:

**No Impact.** The proposed project is considered an urban infill development on approximately 2.28 acres. The existing building is currently service by the San Rafael Fire Department Station #7 located approximately 0.5 miles to the east at 3530 Civic Center Drive. The proposed project would not be of a scale to require new or physically altered government facilities, nor would it impact the quality of service, response times or other performance objectives for any of the public services. The San Rafael Fire Department has reviewed the proposed project and did not comment on a need for additional services. For these reasons, there would be no impact.

(Sources: 1, 2, 3, 4, 12)

b. *Police protection?*

Discussion:

**No Impact.** The San Rafael Police Department currently provides police protection to the property. The SRPD reviewed the proposed project and did not provide any comments regarding increased calls or additional services. There would be no impact.

(Sources: 1, 2, 3, 4, 12)

c. *Schools?*

Discussion:

**Less Than Significant Impact.** The project site is located in the Civic Center neighborhood and is served by the San Rafael Unified School District for elementary school (Venetia Valley Elementary School), high schools (San Rafael High and Terra Linda High) and middle school (Davidson Middle School) The proposed project includes the development of 45 new residential townhomes. Mitigation for impacts on schools is governed by Government Code Section 65995(h), which states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities. Likewise, Section 65996(b) states that the provisions of the Government Code provide full and complete school facilities mitigation. The City collects school impact fees prior to the issuance of building permits. As such, potential impacts are considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 12)

d. *Parks?*

Discussion:

**Less Than Significant Impact.** The proposed project includes the development of 45 residential townhome units which would result in an increase in population and an increased demand for public services such as parks. Existing San Rafael City parks and recreation facilities within close proximity to the project site in the North San Rafael area include Los Ranchitos Park to the south, the Marin County Civic Center and Fairgrounds to the east, China Camp farther to the east, Freitas Park, Terra Linda Park, and Munson Park to the northwest. The YMCA is located north of the project on Los Gamos Drive. Boyd Memorial Park is located south of the project site near Downtown San Rafael. Further to the northeast, the McGuinness Park and Golf Club is located along the Bay shoreline to the east

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of North San Rafael. Within the City of San Rafael corporate limits, there are a total of 25 parks and three community centers.

There would be 45 new residential townhomes at full buildout. New uses at the project site would be consistent with existing residential uses in the area. Access and demand for existing parks in this area would not substantially increase over existing use patterns and would not result in substantial adverse physical impacts. The project sponsor would be required to provide park land dedication or an in-lieu fee pursuant to San Rafael Municipal Code Chapter 15.09. Pursuant to HR-1 development standards, the project would be required to provide 100 sq ft of usable open space/unit and is proposing to provide 166 sq ft/ unit. The proposed project includes 4,201 sq ft of private open space (including decks on the second floor) and 3,287 sq ft of common usable open space (including the Creek Promenade area). As part of final project approvals, the project would be required to comply with all City of San Rafael fees required for permit issuance. For these reasons, the impact would be considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

e. *Other public facilities?*

Discussion:

**Less Than Significant Impact.** Other public facilities near the proposed project include the Marin County Civic Center to the east of the project and the new SMART rail station at the Marin Civic Center just north of the project site. Although the project would be introducing 45 new residential townhome units to the area, demand for new public facilities would not be anticipated. Access and demand for existing public facilities in this area would not substantially increase over existing use patterns which would not result in substantial adverse physical impacts. For these reasons, the impact would be considered less than significant impact and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

**XVI. RECREATION**

a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Discussion:

**Less Than Significant Impact.** See Response XIV(d) above. the proposed project’s impact on existing neighborhood and regional parks would be less than significant. Further, the proposed project would not result in an increase in the use of recreational facilities such that physical deterioration would occur or be accelerated. Development of the site would be consistent with the development density contemplated and analyzed in the 2020 General Plan, and thus would not result in new impacts not previously identified.

The Quimby Act, Government Code §66477, allows cities and counties to adopt ordinances requiring the dedication of parkland, fees in lieu of, or a combination of both to be used only for the purpose of acquiring land for park purposes. Based on the San Rafael Municipal Code (Section 15.09), the project would be required to dedicate 300 square feet of land per unit or make an in-lieu payment to the City equivalent to the current value of the land. Therefore, the impact of the proposed project upon existing parks and recreation facilities would be less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

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b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** See Response XV(d) and XVI(a) above. The proposed project includes 7,488 sq ft of open space/passive recreation areas in the form of a creekside paseo, internal courtyards, and private decks/patios for each unit. In addition, the project includes a 500 sq ft Community Room with outdoor patio area for on-site residents. Moreover, in addition to the may park areas within the town, San Rafael has ample open space, such as China Camp State Park, which feature numerous hiking trails. Development of the site would be consistent with the development density contemplated and analyzed in the 2020 General Plan, and thus would not result in new impacts not previously identified. Therefore, the proposed project would not require additional demand for recreation facilities and the impact would be considered less than significant with no mitigation required.

(Sources: 1, 2, 3, 4, 12)

## XVII. TRANSPORTATION

Would the project:

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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In June 2018, W-Trans conducted a traffic impact analysis for the proposed project located at 350 Merrydale and updated the report on October 3, 2019. The overall purpose of the report was to evaluate the potential traffic impacts that could occur as a result of project and to provide City staff and policy makers with project data. Potential traffic impacts, and any associated improvements that would be required to mitigate these impacts to a level of insignificance, were evaluated as defined by the City's General Plan and other traffic related policies. Vehicular traffic impacts were evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments. Impacts relative to access for pedestrians, bicyclists, and to transit were also addressed.

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** W-Trans established the study area (selected with input from City staff) of the roadway segment of Merrydale Road fronting the project, the project access points, and the following intersections.

- (1) Merrydale Road/US 101 South Ramps
- (2) Merrydale Road/North San Pedro Road

Operating conditions during the a.m. and p.m. peak periods were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour

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occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersections

Merrydale Road/US 101 South Ramps is an all-way stop-controlled tee intersection with a yield-controlled channelized northbound right-turn. The intersection has a crosswalk on the east ramp leg. Merrydale Road/North San Pedro Road is a signalized intersection with split phasing on the eastbound and westbound Merrydale Road approaches, protected left-turn phasing on eastbound North San Pedro Road, and a right-turn overlap on westbound North San Pedro Road. Crosswalks are provided on the north and west legs, and sidewalks are provided except the southeast corner.

Study Roadway

Merrydale Road is a two-lane north-south roadway with on-street parking and a posted speed limit of 25 miles per hour (mph). Merrydale Road is discontinuous, terminating at the Sonoma-Marin Area Rail Transit (SMART) railroad tracks and beginning again north of the railroad tracks. Redwood Highway runs north-south parallel to Merrydale Road and US-101. The roadway has two lanes with on-street parking. The prima facie speed limit is 25 mph. The locations of the study intersections and the existing lane configurations and controls are shown in Figure 1 of the W-Trans report.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is April 1, 2013 through March 31, 2018. The calculated collision rates for the study intersections were compared to average collision rates for similar facilities statewide, as indicated in 2074 Collision Data on California State Highways, California Department of Transportation (Caltrans). Both locations had below-average collision rates.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the proposed project site; however, sidewalk gaps, obstacles, and barriers can be found along all of the roadways connecting to the project site. Existing gaps and obstacles along the connecting roadways impact convenient and continuous access for pedestrians and present safety concerns in those locations where appropriate pedestrian infrastructure would address potential conflict points.

- Merrydale Road - Nearly continuous sidewalk coverage is provided on the east side of Merrydale Road except along one parcel where sidewalk has not been constructed by the property owner or the City. Pedestrians walking on the east side of Merrydale Road are able to walk adjacent to parked vehicles, out of the travel lane. No sidewalk is provided on the west side of Merrydale Road (north of El Prado Avenue). Curb ramps and crosswalks at side street approaches are intermittent. At both study intersections along Merrydale Road channelized right turns conflict with pedestrian movements. Lighting is provided by overhead streetlights.
- Redwood Highway - Nearly continuous sidewalk coverage is provided on the west side of Redwood Highway except along one parcel where sidewalk has not been constructed by the property owner or the City. Pedestrians do not need to enter the travel lane to walk on the west side of the street. There is no sidewalk coverage provided on the east side of Redwood Highway. Curb ramps at side street

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approaches are provided; however, there are no marked crosswalks. Overhead street lighting provides intermittent coverage.

Bicycle Facilities

In the project area, there is a Class I bike path along the western side of the SMART tracks from Lincoln Avenue to Civic Center Drive. Bicyclists ride in the roadway and/or on sidewalks along all other streets within the project study area.

Transit Facilities

Marin Transit provides fixed route bus service in Marin County, including the City of San Rafael. Marin Transit Route 35 provides regional service between San Rafael and Novato, and stops at Merrydale Road and North San Pedro Road. Route 35 operates seven days per week. Route 49 also stops at Merrydale Road and North San Pedro Road, although only the southbound stop is near the project site. Southbound Route 49 service connects San Rafael and Novato, and is provided seven days per week. Route 145 is a school route that stops at Merrydale Road and North San Pedro Road, and connects various neighborhoods in San Rafael to Terra Linda High School on the north side of the City. Service is provided on school days. Route 233 provides service between downtown San Rafael and the communities along North San Pedro Road, with a stop at Merrydale Road and North San Pedro Road in the southbound direction only. Southbound service is provided seven days per week. Route 245 provides service between downtown San Rafael and the northern neighborhoods of San Rafael, with a stop along US 101 South between the Merrydale off-ramp and on-ramp, in the southbound direction only. Service is provided seven days per week. Route 257 provides regional service between San Rafael and unincorporated communities south of Novato, with stops at Los Ranchitos Road and Golden Hinde Boulevard. Route 257 operates Monday to Friday.

Golden Gate Transit provides service between San Francisco and various communities in Marin and Sonoma Counties. Routes 44, 54, and 70 share a stop along US 101 South between the Merrydale off-ramp and on-ramp, in the southbound direction only. Route 44 service is provided Monday to Friday. Route 54 service is provided Monday to Friday. Route 70 service is provided seven days per week.

At present, rail transit is located within one-half mile of the project site at the at-grade crossing on Civic Center Drive and the SMART Tracks. SMART provides service between San Rafael and Airport Road north of Santa Rosa, including stops in Novato, Petaluma, Cotati, Rohnert Park, and Santa Rosa. Extensions are planned to Windsor, Healdsburg, and Cloverdale in the north, and Larkspur in the south, where passengers can transfer to ferries to San Francisco. Service is provided seven days per week.

Traffic Operation Standards

The City of San Rafael's Level of Service (LOS) standard as contained in The City of San Rafael General Plan 2020 Draft EIR (DEIR) indicates that the minimum acceptable service level for signalized intersections outside the downtown area or as specified in the DEIR is LOS D. The project would have a significant traffic impact if the project's traffic would cause a signalized intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F). The City of San Rafael's LOS standard for unsignalized intersections is LOS E. The project would have a significant traffic impact if the project's traffic would cause an unsignalized intersection currently operating at an acceptable level of service (LOSE or better) to operate below the standard (LOS F).

Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 101h Edition, 2017 for "Mid-Rise Multi-Family Housing" (ITE LU #221). The proposed project is expected to generate an average of 245 trips per day, including 16 a.m. peak hour trips and 20 trips during the p.m. peak hour. No credits were taken for existing uses.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Existing Plus Project Conditions

Upon the addition of project-related traffic to Existing volumes, both study intersections are expected to operate acceptably at the same levels of service as under Existing Conditions. If signalized, Merrydale Road/US 101 South Ramps would be anticipated to operate at LOS C during both peak hours.

Future Plus Project Conditions

Upon the addition of project-generated traffic to the anticipated Future volumes the study intersections are expected to continue operating acceptably overall and at the same acceptable levels of service. With signalization, Merrydale Road/US 101 South Ramps would be expected to operate at LOS C or D during both peak hours.

Traffic Signal Warrant

A signal warrant analysis was performed to determine potential need for a traffic signal at Merrydale Road/US 101 South Ramps. Chapter 4C of the California Manual on Uniform Traffic Control Devices (CA-MUTCD) provides guidance on when a traffic signal should be considered. There are nine different warrants, or criteria, presented in the CA-MUTCD. Warrant 3, which is often the first warrant to be met, was used for this analysis, which is common practice for planning studies. Under the Peak Hour Warrant the need for a traffic control signal shall be considered if an engineering study finds that the criteria in either of the following two categories are met:

- A. If all three of the following conditions exist for the same one hour (any four consecutive 15-minute periods) of an average day:
  - 1. The total stopped time delay experienced by the traffic on one minor-street approach (one direction only) controlled by a STOP sign equals or exceeds: four vehicle-hours for a one-lane approach; or five vehicle-hours for a two-lane approach, and
  - 2. The volume on the same minor-street approach (one direction only) equals or exceeds 100 vehicles per hour for one moving lane of traffic or 150 vehicles per hour for two moving lanes, and
  - 3. The total entering volume serviced during the hour equals or exceeds 650 vehicles per hour for intersections with three approaches or 800 vehicles per hour for intersections with four or more approaches.
- B. The plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach (one direction only) for one hour (any four consecutive 15-minute periods) of an average day falls above the applicable curve in Figure 4C-3 for the existing combination of approach lanes.

Under Existing Conditions, without the addition of project-generated traffic, the peak hour volumes at Merrydale Road/US 101 South Ramps satisfy the criteria of Warrant 3.

Traffic Conclusions

W-Trans concluded that the proposed project is expected to generate an average of 245 trips daily, including 17 trips during the AM morning peak hour and 19 during the PM evening peak hour. The study intersections currently operate acceptably at LOS C or better overall during both peak hours under existing conditions. Under Future volumes the study intersections are expected to operate acceptably overall during both peak hours evaluated. The study intersections are expected to continue operating acceptably and generally at the same levels of service upon the addition of project-generated traffic to existing and future volumes, indicating a less-than significant impact. Pedestrian, transit and bicycle facilities near the project site are generally adequate. However, the peak hour volume warrant is met based on existing AM and PM peak hour volumes, without the addition of project generated traffic, indicating potential need for signalization of the intersection of Merrydale Road/US 101 South Ramps. Under



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Existing and Future conditions, with a traffic signal, the study intersection would be expected to operate at LOS C or D during both peak hours. This is considered a less than significant impact.

Given the proximity of retail centers and restaurants to the south of the site, it is reasonable to assume that some residents will want to walk, bicycle, and/or use transit for trips from and to the project site. Existing pedestrian facilities in the project area are discontinuous, including gaps in the sidewalk on Merrydale Road and Redwood Highway south of the project site. Directly adjacent to the Redwood Road project driveway is the vehicular access point to the adjacent business and there is no clear path for pedestrians to walk between the project site and the existing sidewalk.

Therefore, to reduce the potential impacts related City of San Rafael transportation policies and programs the following mitigation measures shall be implemented.

**Mitigation Measure TRANS-1:** The project sponsor shall construct a pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.

Implementation of mitigation measures Mitigation Measures TRANS-1 would ensure that development activities associated with the proposed project would not result in significant impacts to programs, plans, ordinance or policies addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities. No further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12)

b. *Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*                       

Discussion:

**Less Than Significant Impact.** CEQA Guidelines Section 15064.3, Subdivision (b) contains guidelines for analyzing potential impacts using Vehicle Miles Travelled (VMT) as a threshold of significance. These guidelines will go into effect in the City of San Rafael by July 1, 2020. In the interim, the City of San Rafael’s significant criteria related to level of service for traffic performance will continue to be applied and are used in this Initial Study. As discussed in Section XVII (a) above, the City of San Rafael's Level of Service (LOS) standard as contained in The City of San Rafael General Plan 2020 Draft EIR (DEIR) indicates that the minimum acceptable service level for signalized intersections outside the downtown area or as specified in the DEIR is LOS D. The project would have a significant traffic impact if the project's traffic would cause a signalized intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F). The City of San Rafael's LOS standard for unsignalized intersections is LOS E. The project would have a significant traffic impact if the project's traffic would cause an unsignalized intersection currently operating at an acceptable level of service (LOSE or better) to operate below the standard (LOS F).

Under existing conditions, the HCM methodology indicates that the Merrydale Road/US 101 South Ramps intersection is operating unacceptably at LOS F during both peak periods; however, it has been observed, and field verified by City staff, to be operating acceptably at LOS C during both peak hours. Under Existing conditions, and with the installation of a traffic signal, the intersection of Merrydale Road/US 101 South Ramps is expected to operate at LOS C during both peak hours. The Merrydale Road/North San Pedro Road intersection operates acceptably at LOS C or better during both peak periods. Recommended mitigation measures in Section XVII(a) above would reduce potential transportation impacts related to development of the project to less than significant levels. As the City of San Rafael does not yet evaluate project impacts specific to VMT and Section 15064.3, the project impact is considered less than significant, and no mitigation is required.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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(Sources: 1, 2, 3, 4, 5, 12)

c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The proposed project is an urban infill development within the Civic Center area of North San Rafael and would be consistent with General Plan in terms of land use and intensity. The proposed project proposes to modify existing site access, including project entrances/exists off both Redwood Highway and Merrydale Road. The project traffic study was evaluated by the City of San Rafael Department of Public Works (DPW) for traffic and circulation compliance with City standards, including potential conflicts to site distances, and found them to be acceptable. However, proposed project improvements would be required to comply with San Rafael design guidelines and require appropriate application materials for permit issuance. To maintain clear sight lines, any residential landscaping or signs should be designed to ensure that adequate sight lines would be maintained. If on-street parking is permitted, some restrictions may be necessary to maintain adequate sight lines on Merrydale Road. Conditions of approval would be included to ensure specific project design features comply with City of San Rafael DPW requirements. Therefore, the impact is considered less than significant and not mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12)

d. *Result in inadequate emergency access?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Although access and circulation patterns would remain largely unchanged for the new residential townhome development, the project proposes to modify existing site access, including project entrances/exists off both Redwood Highway and Merrydale Road. The proposed ingress and egress, including required fire access and fire lanes, have been reviewed by City departments, including the San Rafael Fire Department. It has been determined that the proposed project would have adequate emergency access. The impact is considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12)

**XVIII. TRIBAL CULTURAL RESOURCES**

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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i. *Listed or eligible for listing in the California Register of Historical*

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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*Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or*

*ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** See Responses V(a), (b) and (c) above. The proposed project analyzed by Archaeological Resource Service (ARS) included a cultural resources investigation and site investigation on March 5, 2018. The report includes an archival and record search of the 24-acre subject parcel and a surrounding 1-mile radius, contact with the Native American Heritage Commission (NAHC) and potential Native American stakeholders, and a field inventory of the subject parcel that included an architectural review of standing buildings and structures that lie within the proposed development area. The existing commercial buildings were constructed in the mid-1960s.

Pursuant to AB 52, the scope of the evaluation at the project level should include consultation with Native American representatives identified by the NAHC for areas outside of reservations, and with Tribal representatives of federally recognized Tribes where projects are located near or within lands associated with federally recognized Tribes. The consultation should be undertaken and be consistent with most recent guidance provided by the Office of Planning and Research. The purpose of the consultation is to identify Tribal cultural resources and ensure that such resources are taken into consideration in the planning process.

A search of records and maps on file was conducted at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California by ARS. The NWIC is a repository of all cultural resources site records, previously conducted cultural resources investigations, and historic information concerning cultural resources for 18 counties, including Marin County. The purpose of this records search was to compile information pertaining to the locations of previously recorded cultural resources and prior cultural resources studies within a 1-mile radius of the project vicinity that inform the cultural resources sensitivity of the Project. No cultural resources were identified within the project site but the ARS report provides descriptions of several archaeological sites within a 1-mile radius of the project site.

The NAHC was contacted by formal letter from ARS on March 17, 2018. A search of the Sacred Lands File housed at the NAHC did not indicate the presence of any Native American cultural resources in the vicinity of the Project Letters and associated maps were sent to individuals listed by the NAHC including Buffy McQuillen, Federated Indians of Graton Rancheria’s (FIGR) Tribal Heritage Preservation Officer (THPO). The FIGR was contacted by formal consult letter from the City of San Rafael on November 21, 2018. A copy of the ARS report was forwarded to FIGR. In the response dated December 28, 2018, the FIGR requested project information related to the environmental review and permitting review. A copy of the ENGEO Report was forwarded to FIGR. Based on the results of the cultural resources investigation conducted for this proposed project, no tribal cultural resources were identified within the Project area.

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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Although construction of the proposed project would have no impact on known tribal cultural resources, there is a possibility that previously unidentified resources and subsurface deposits are present within the Project area. If present, excavation, grading, and movement of heavy construction vehicles and equipment could expose, disturb or damage any such previously unrecorded tribal cultural resources. Because the possibility of encountering archaeological resources during construction cannot be completely discounted, the impact related to the potential disturbance or damage of previously undiscovered archaeological resources, if present, could be significant.

However, as the proposed project could have the potential to encounter unknown tribal cultural resources during ground-disturbance activities, implementation of the following mitigation measures is required:

**Mitigation Measure TRIBAL-1:** Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.

Therefore, implementation of the above mitigation measure as well as implementation of mitigation measures Mitigation Measure CULT-1 and Mitigation Measure CULT-2 will reduce the potential impact to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 10, 13, 14, 24, 25)

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- a. *Require or result in the relocation or construction of new or expanded water, wastewater treatment facilities or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Discussion:

**Less Than Significant Impact.** The project site is within the North San Rafael Commercial Center which is served by the Las Gallinas Valley Sanitation District (LGVSD), which provides sanitary sewer service to the north San Rafael area. Wastewater is transmitted to the LGVSD treatment facility, located at 300 Smith Ranch Road in San Rafael. The LGVSD would continue to provide service to the project site, although the 45 proposed residential townhome units would result in an increase in intensity of development over existing uses. The LGVSD has reviewed the project, provided comments and will require that the development project submit an Application for Allocation of Capacity and pay additional capacity fees prior to submittal of a building permit. The project design incorporates sanitary sewer infrastructure that connects all residences to the current LGVSD sanitary system, including two possible infrastructure improvements, 1) a gravity system and flow diversion with an updated LGVSD pump station, or 2) a lift-station (with control cabinet) located in the southeastern corner of the project site for pumping sanitary sewer to the main LGVSD pump station (which would also be updated). Either design solution would satisfy LGVSD requirements for sanitary sewer service. As such, the proposed project would not conflict with the existing capacity of wastewater delivery to LGVSD or the ability of the wastewater treatment facility to

Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
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treat the additional wastewater generated by the project. For these reasons, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 12, 20)

b. *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** See discussion in Section XIX(a), above. Local water service is currently provided by Marin Municipal Water District (MMWD) to the project site for the existing commercial buildings. MMWD stated that providing water service to the new residential development building would not impair the District's ability to continue service to the property. However, MMWD has determined that the property's current annual water entitlement may be insufficient for the new uses and the purchase of additional water entitlement may be required, as well as compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation. For the reasons, the impact is considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 12, 20, 21)

c. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** See discussion in Section XIX(a) and (b), above. The LGVSD would provide wastewater services to the proposed project and has adequate facilities to accommodate the proposed use at the project site. Wastewater generation and impacts on the LGVSD have been addressed in the in the San Rafael General Plan. The continuation of existing service to the project site would not result in impacts to the LGVSD facility at Smith Ranch Road. As discussed in Section XIX(a) above, although the proposed project would require upgrades to specific LGVSD infrastructure, there is adequate capacity in the LGVSD wastewater facility to service the project. The LGVSD has reviewed the project and provided comments, indicating that the proposed project is required to submit an application for Allocation of Capacity as well as fees for sewer unit and plumbing fixtures as required. Thus, no additional impacts to wastewater treatment capacity would result from the proposed project and impacts would be considered less than significant. No mitigation is required.

(Sources: 1, 2, 3, 4, 12)

d. *Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Solid waste collected within the City of San Rafael is disposed of at the Redwood Landfill. The Redwood Landfill is a fully permitted Class III disposal site located approximately five miles north of the project site (3.5 miles north of the City of Novato), and is used for more than 95 percent of Marin County's solid waste disposal, including solid waste from the City of San Rafael. The Redwood Landfill site consists of 420

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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acres of which 222.5 acres are dedicated to waste disposal and the balance supports Composting, Recycling, and Operations facilities as well as open space and a freshwater lagoon. The Redwood Landfill has a permitted capacity of 19,100,000 cubic yards. Nearly one-half of the materials brought to the site are reused or recycled, contributing to one-third of the recycling that occurs in Marin County. Redwood Landfill is permitted to accept 2,310 tons of material daily. Redevelopment of the subject property from commercial uses to residential units would not significantly change the amount of solid waste generated within the City because the development would not significantly change the number of people working and living within the City. Furthermore, waste generated by the project would represent a small percentage of the remaining capacity at Redwood Landfill and the population increase planned in the City's General Plan population counts and would not significantly alter the amount of waste generated within the City. As the project would be consistent with the existing General Plan, potential impacts are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 12, 22)

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Discussion:

**Less Than Significant Impact.** See discussion in Section XIX(d), above. Solid waste disposal services for the project site would be handled by Marin Sanitary Service and the Redwood Landfill. Both entities are subject to the California Integrated Waste Management Act to meet state waste diversion goals. Both entities offer recycling services to minimize the solid waste that is deposited at the landfill. Marin Sanitary Service offers curbside recycling and green waste composting. The Redwood Landfill recycles approximately 50 percent of the materials brought to the landfill site. The proposed project would be served by these entities and the existing recycling and waste reduction programs which comply with the California Integrated Waste Management Act.

The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) provides hazardous waste collection, recycling, and disposal information to ensure compliance with state recycling mandates. The Marin County Department of Public Works/Waste Management administers the JPA. The JPA comprises the cities and towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, and the County of Marin. The JPA's purpose is to ensure Marin's compliance with the California Integrated Waste Management Act and its waste reduction mandates. The project would comply with the JPA through the recycling and waste reduction services provided by Marin Sanitary Service and the Redwood Landfill. Therefore, potential impacts are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 12, 22)

**XX. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

Discussion:

**Less Than Significant Impact.** As discussed in Section IX, Hazards and Hazardous Materials, above, the project site is located in an urbanized area and not in or near a state responsibility area or on or near lands classified as very high fire severity zones. The proposed project has been reviewed by City of San Rafael departments and would

<i>Significant Impact</i>	<i>Less-Than- Significant With Mitigation Incorporation</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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comply with typical residential design standards for new construction. Therefore, the impact is considered less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

- b. *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Discussion:

**Less Than Significant Impact.** As discussed in Section IX above, Hazards and Hazardous Materials, above, the project site is located in an urbanized area and not in or near a state responsibility area or on or near lands classified as very high fire severity zones. The project site is generally flat and will be redeveloped pursuant to City of San Rafael development standards for new construction, including installation of fire sprinklers and fire retardant building materials. Therefore, the impact is considered less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

- c. *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Discussion:

**Less Than Significant Impact.** As discussed in this Initial Study, the proposed project would be required to meet development standards for new residential development, including egress/ingress, fire suppression, and water service. The proposed project has been reviewed by City departments as well as any service agency needed for approval of project improvements and services. As the project site is considered an infill development and not located within a wildland urban interface zone, the impact is considered less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

- d. *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes*

Discussion:

**Less Than Significant Impact.** As discussed in this Initial Study, the proposed project would be required to meet development standards for new residential development, including site drainage, egress/ingress, fire suppression, and water service. The proposed project has been reviewed by City departments as well as any service agency needed for approval of project improvements and services. As the project site is considered an infill development and not located within a wildland urban interface zone, the impact is considered less than significant and no mitigation is required.

**(Sources: 1, 2)**

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE.**

a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporation.** The proposed project, with implementation of the proposed mitigation measures, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As discussed above, the proposed project would be located on areas of existing disturbance or development. Where potential impacts to wildlife or plant communities would occur, proposed mitigation measures in Section V. Biology would ensure that they would be reduce to less than significant levels. For these reasons, the impact would be considered less than significant after mitigation incorporation and no further mitigation would be required.

**(Sources: 1-25)**

b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** As summarized throughout this Initial Study, the project would have minor potential environmental impacts which can mitigated to less than significant levels. Potential cumulative impacts would be limited due to the small scale of the development and site improvements. The proposed project would be considered "in-fill" development and would not have a substantial cumulative development impact. For these reasons, the impact would be considered less than significant and no further mitigation would be required.

**(Sources: 1-25)**

c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*Significant  
Impact*      *Less-Than-  
Significant With  
Mitigation  
Incorporation*      *Less-Than-  
Significant  
Impact*      *No  
Impact*

Discussion:

**Less Than Significant Impact.** As summarized throughout this Initial Study, the project would not result in substantial environmental effects on human beings. Mitigation measures are identified in this Initial Study to reduce potentially significant impacts related to air quality, biological resources, cultural resources, geology and soils, noise, transportation, and tribal resources. The proposed project would be considered “in-fill” development and would not have a substantial development impact either directly or indirectly on human beings. For these reasons, the impact would be considered less than significant and no further mitigation would be required.

(Sources: 1-25)

## SOURCE REFERENCES

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of San Rafael Department of Community Development. References to Publications prepared by Federal or State agencies may be found with the agency responsible for providing such information.

1. City of San Rafael General Plan 2020, adopted November 2004; as amended through July 2016.
2. City of San Rafael General Zoning Ordinance, adopted September 1992; as amended May 1996.
3. Marin County GIS; Marin Map; [www.marinmap.org](http://www.marinmap.org), accessed August 2019
4. Application Packet submitted by Michael Hooper, Campus Property Group, including site plan, architectural plans, landscape plans, civil plans, and additional materials and exhibits.
5. 350 Merrydale and 3833 Redwood Highway Project Traffic Impact Study, W-Trans, October 3, 2019.
6. Subsurface Exploration Summary / Preliminary Geotechnical Exploration, BKF Engineers, November 5, 2018, May 8, 2018
7. Storm Water Control Plan, 350 Merrydale Road, BKF Engineers, June 2019
8. Environmental Noise and Vibration Assessment Report, 3833 Redwood Boulevard, Illingworth & Rodkin, November 2018
9. Air Quality Assessment Report, 3833 Redwood Boulevard, Illingworth & Rodkin, October 2018
10. Archaeological Resources Report for 350 Merrydale Project, San Rafael, Marin County, Ca; Archaeological Resource Service, March 2018
11. 350 Merrydale Project, San Rafael, California – Biological Resources CEQA Review, WRA, Inc. March 2018
12. Inter-departmental and Agency Memoranda: 1) Public Works Department, June 11, 2019; 2) Fire Prevention, December 4 and 19, 2018, February 8, 2019, May 23, 2019, and July 2, 2019; Building Department, May 31, 2019; Las Gallinas Valley Sanitation District, October 15, 2019; Marin Municipal Water District; comment letter, Christopher Borjian, January 8, 2019; Marin County Department of Public Works, Gerhard Epke, May 24, 2019
13. Formal Request for Tribal Consultation on 350 Merrydale/3833 Redwood Highway, San Rafael, CA, City of San Rafael Planning Division, January 29, 2019
14. Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act, on 350 Merrydale/3833 Redwood Highway, San Rafael, CA, Federated Indians of Graton Rancheria, Buffy McQuillen, THPO/NAGPRA, December 28, 2018
15. City of San Rafael Greenhouse Gas Reduction Strategy Compliance Checklist
16. CEQA Air Quality Guidelines, Bay Area Air Quality Management District, 2017

17. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). Community Panel No. 06041C0293E, effective March 16, 2016
18. Association of Bay Area Governments, Alquist-Priolo Earthquake Fault Zoning and Hazard Maps
19. MMWD 2015 Urban Water Management Plan
20. California Drought Portal, [www.drought.ca.gov](http://www.drought.ca.gov), accessed August 2019
21. BAAQMD website: <http://www.baaqmd.gov/>
22. Redwood Landfill website: <http://www.redwoodlandfill.wm.com/>
23. MCSTOPP: <http://www.marincounty.org/depts/pw/divisions/mcstoppp>
24. City of San Rafael Archaeology Sensitivity Map, adopted October 2001.
25. PastFinder Archaeological Database, Archaeological Sensitivity Report, generated May 1, 2017

**PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES**

As the project sponsor or the authorized agent of the project sponsor, I, MICHAEL HOOPER, undersigned, have reviewed the Initial Study for the 350 MERRYDALE and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

Michael Hooper

Property Owner (authorized agent)

11/6/19  
Date

**DETERMINATION FOR PROJECT**

On the basis of this Initial Study and Environmental Checklist I find that the proposed project could have a Potentially Significant Effect on the environment; however, the aforementioned mitigation measures to be performed by the property owner (authorized agent) will reduce the potential environmental impacts to a point where no significant effects on the environment will occur. A Mitigated Negative Declaration will be prepared.

Sean Kennings

Signature

11/7/19

Date

Sean Kennings

Printed Name

Contract Planner

Title

**REPORT AUHTORS AND CONSULTANTS**

Sean Kennings

Sean Kennings, LAK Associates, Contract Planner  
for the City of San Rafael, Community Development Department.