

1. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14, California Code of Regulations, Section 15378[a], the proposed San Rafael General Plan 2040 (General Plan 2040) and Downtown San Rafael Precise Plan (Downtown Precise Plan) are considered a “project” subject to environmental review. Their implementation is “an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the General Plan 2040 and the Downtown Precise Plan, herein referred to separately, or together referred to as the “proposed project.”

This Draft EIR identifies mitigation measures and alternatives to the proposed project that would avoid or reduce potentially significant impacts. This Draft EIR compares the development potential of the proposed project with the existing baseline condition that is described in detail in each section of Chapter 4, Environmental Analysis, of this Draft EIR. The City of San Rafael (City) is the lead agency for the proposed project. This assessment is intended to inform the City’s decision-makers, other responsible agencies, and the public-at-large of the nature of the proposed project and its potential effect on the environment.

1.1 PROPOSED ACTION

If approved by the San Rafael City Council, the proposed project would replace the City’s existing General Plan, which has a buildout horizon to 2020, with an updated General Plan and a new Downtown Precise Plan. The proposed project would build off the existing General Plan 2020, which was last comprehensively updated in 2004, to provide a framework for land use, transportation, and conservation decisions through the horizon year of 2040. The proposed project would also introduce new zoning provisions in the Downtown Precise Plan Area, including development regulations and design standards that implement the Downtown Precise Plan.

The environmental analysis in this Draft EIR assumes that the adoption and implementation of the proposed project would result in up to 4,250 new households, 4,460 new residential units, 8,910 new residents, and 4,155 new employees by 2040. Of these, up to 2,100 new households, 2,200 new residential units, 3,570 new residents, and 2,020 new employees would be within the Downtown Precise Plan Area. See Chapter 3, Project Description, of this Draft EIR for additional details on the proposed project. See Chapter 5, Alternatives to the Proposed Project, for a comparison of the current General Plan 2020 and the proposed General Plan 2040.

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1.2 EIR SCOPE

This Draft EIR is a program EIR that analyzes the adoption and implementation of the proposed project. This is in contrast to a project-level EIR, which is used to identify and analyze the potential impacts of site-specific construction and operation. CEQA and the CEQA Guidelines allow lead agencies to prepare different types of EIRs for varying situations and intended uses. Section 15168 of the CEQA Guidelines states that program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria.

In this case, the proposed project that is the subject of this Draft EIR consists of long-term plans and regulatory changes that would be implemented over time as policies and regulations guiding future development activities and City actions. No specific development projects are proposed as part of the proposed project. Therefore, as a program EIR, it is not project specific and does not evaluate the impacts of individual projects that may be proposed in the future under the General Plan 2040 and Downtown Precise Plan. However, where the program EIR addresses the program's effects as specifically and comprehensively as is reasonably possible, later activities that are within the scope of the effects examined in the program EIR, may qualify for a streamlined environmental review process or may be exempt from environmental review.¹

When a program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the program EIR into the subsequent activities.² If a subsequent activity would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption. For these subsequent environmental review documents, this program EIR will serve as the first-tier environmental analysis to streamline future environmental review.

1.3 ENVIRONMENTAL REVIEW PROCESS

1.3.1 DRAFT EIR

Pursuant to CEQA Section 21080(d) and CEQA Guidelines Section 15063, the City determined that the proposed project could result in potentially significant environmental impacts and that a program EIR would be required. In compliance with CEQA Section 21080.4, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research (OPR) State Clearinghouse (SCH) and interested agencies and persons on March 29, 2019, for a 30-day review period. A public scoping meeting was held on April 23, 2019, at 7:00 p.m. at the San Rafael City Council Chambers. The NOP and scoping process solicited comments regarding the scope of the Draft EIR from responsible and trustee agencies and interested parties. Appendix A, Notice of Preparation and Scoping

¹ CEQA Guidelines Section 15168(c) and CEQA streamlining provisions.

² CEQA Guidelines Section 15168(c)(3) and CEQA streamlining provisions.

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Comments, of this Draft EIR contains the NOP and the comments received by the City in response to the NOP.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 60-day comment period starting January 7, 2021 and ending March 9, 2021. During the comment period, the public is invited to provide written comments on the Draft EIR via mail or email to the City of San Rafael Planning Division by 5:00 p.m. on March 9, 2021. Comments should be submitted as follows:

- Written: Barry Miller, Consulting Project Manager
City of San Rafael, Community Development Department
1400 Fifth Ave, 3rd Floor
San Rafael, California 94901
- Phone: (415) 485-3423
- Email: Barry.Miller@cityofsanrafael.org with “General Plan 2040 and Downtown Precise Plan EIR” as the subject line.

1.3.2 FINAL EIR

Upon completion of the 60-day review period for the Draft EIR, the City will review all written comments received and prepare written responses to each comment on the adequacy of the Draft EIR. A Final EIR will then be prepared, which contains all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. The Final EIR will then be presented to the San Rafael Planning Commission where a public hearing will allow for public comment on the Final EIR and to consider recommendation for certification of the Final EIR. Following the public hearing, the Final EIR will be presented to City Council for consideration of the certification as the environmental document for the proposed project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing, which is tentatively scheduled for Tuesday, March 9, 2021.

All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The City Council will make findings regarding the extent and nature of the impacts as presented in the EIR. The EIR will need to be certified as having been prepared in compliance with CEQA by the City prior to making a decision to approve or deny the proposed project. Public input is encouraged at all public hearings before the City.

If the City Council certifies the EIR, it may then consider action on the proposed project. If approved, the City Council would adopt and incorporate all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures.

In some cases, the City Council may find that certain mitigation measures are outside the jurisdiction of the City to implement, or that no feasible mitigation measures have been identified for a given significant impact. In that case, the City Council would have to adopt a statement of overriding considerations that determines that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, significant effects on the environment.

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1.3.3 MITIGATION MONITORING

CEQA Section 21081.6 requires that the lead agency adopt a Mitigation Monitoring and Reporting Program (MMRP) for any project for which it has made findings pursuant to CEQA Section 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. If mitigation measures are required, the MMRP for the proposed project will be completed congruently as part of the Final EIR process.

1.4 USE OF GENERAL PLAN EIR

1.4.1 TIERING PROCESS

CEQA includes several provisions to streamline the environmental review of qualified projects based on several factors. These include where environmental review has already occurred (e.g., a program-level EIR), which could apply to future development in the EIR Study Area.

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference.

Section 15168(d) of the CEQA Guidelines provides for simplifying the preparation of environmental documents by incorporating by reference analyses and discussions. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]).

By tiering from the program EIR, the environmental analysis for a future project would rely on the program EIR for the following:

1. A discussion of general background and setting information for environmental topic areas;
2. Overall growth-related issues;
3. Issues that were evaluated in sufficient detail in the program EIR for which there is no significant new information or change in circumstances that would require further analysis;
4. Assessment of cumulative impacts; and
5. Mitigation measures adopted and incorporated into the proposed project.

1.4.1.1 BASE RESOURCE FOR GENERAL PLAN IMPLEMENTATION AND REVIEW OF FUTURE DEVELOPMENT PROJECTS

As a Program EIR, this document and the mitigation measures presented herein, will be used as a guide for implementing the General Plan 2040 policies and programs, as well as adopting changes in City codes, regulations, and practices. For some of the topic areas covered in this Program EIR (e.g., air quality, noise and vibration, hazards/hazardous materials, and biological resources) mitigation measures are recommended to carry forward and expand on current City policies, regulations, and best practices. For specific topic areas such as cultural (historic) resources, new mitigation measures are recommended to streamline environmental review of future development projects within the Downtown Precise Plan Area.

This Program EIR will also be used as a base resource for reviewing future development projects. This document will assist in guiding the assessment of projects and provide environmental review tiering, where appropriate. Currently, the City completes the following steps in reviewing development projects, which will be carried forward under the adopted General Plan 2040:

- **Project Consistency with the General Plan and City Codes.** When a new development project is filed with the City, it is reviewed for completeness and consistency with the General Plan goals, policies, and programs, and City codes and practices. Because City policies, programs, codes, and practices will be amended to incorporate the mitigation measures presented in this Program EIR, development projects will inherently implement these measures to: a) mitigate environmental impacts; and b) achieve consistency with the General Plan and compliance with City codes.
- **Projects Subject to Environmental Review.** For future development projects subject to environmental review, the resources contained within this EIR and carried forward in the General Plan 2040 will guide the scope of this review. For project level environmental review, many of the topic areas studied in this Program EIR will adequately cover and provide environmental clearance for the project. However, the preparation of site-specific studies and reports may be necessary based on the location and nature of the development project. The resources presented in this Program EIR will assist in determining when and where a special, site-specific study is warranted. One example is shown on Figure 4.4-2, Special Status Plant Species and Sensitive Natural Communities, and Figure 4.4-3, Special Status Animal Species and Critical Habitat, of this Draft EIR. These figures map geographic areas where special status species are known to exist, which will provide guidance on where and when to require a technical study of biological resources.
- **Projects Exempt from Environmental Review.** CEQA includes a long list of environmental review exemptions. Most of the future development projects will likely be exempt from environmental review as the project impacts will be adequately covered by this Program EIR. However, many of the CEQA exemptions require compliance with specific criteria for the development project to qualify for the exemption. The resources contained within this EIR and carried forward in the General Plan 2040 will be used to assist in determining if the CEQA-prescribed criteria have been met to qualify for the exemption. One example of a CEQA exemption is for development projects located in a “Transit Priority Area” (TPA). Further information on CEQA exemptions for development in a TPA is provide in Chapter 4, Environmental Analysis. Several chapters of this Draft EIR provide assistance in determining if these exemption criteria can be met.

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