



AGENDA

**San Rafael Planning Commission
Regular Meeting
Tuesday, February 23, 2021, 7:00 P.M.**

Virtual Meeting

Watch on Webinar: <https://tinyurl.com/PC-2021-02-23>

Watch on YouTube: <http://www.youtube.com/cityofsanrafael>

Telephone: (669) 900-9128

Meeting ID: 897-5534-1830#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed using a video conference Webinar, and streamed to YouTube Live at www.youtube.com/cityofsanrafael. Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the Planning Commission receives your comments, submit written comments to Alicia Giudice, Planning Manager (alicia.giudice@cityofsanrafael.org), prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org if you have any questions.

Any member of the public who needs accommodations should contact the City Clerk (email lindsay.lara@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Members of the public may speak on Agenda items.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

URGENT COMMUNICATION

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

CONSENT CALENDAR

1. Approval of the Planning Commission Meeting Minutes of February 9, 2021

Recommended Action – Approve as submitted

OTHER AGENDA ITEMS

2. Accessory Dwelling Unit (ADU) Ordinance

Recommended Action – Continue to a date certain of March 23, 2021

3. Tiscornia Marsh Restoration Project, North of Canal Street

Scoping hearing for the Notice of Preparation of an Environmental Impact Report (EIR) to assess the impacts of the Tiscornia Marsh Restoration Project. The project proposes to restore the tidal marsh/mudflats located north and outboard of Canal Street, as well as, the diked marsh located north of the Albert J. Boro Center/Pickleweed Park Playfields. APNs: 009-142-01, 009-032-08, and -09; Park/Open Space-Wetland Overlay (P/OS-WO) District. Applicant: Marin Audubon Society; Property Owners: Marin Audubon Society and City of San Rafael.

Project Planner: Paul Jensen

Recommended Action – Accept report and direct staff to prepare a Draft Environmental Impact Report (EIR)

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350 (for non-applicants) or a \$4,476 deposit (for applicants) made payable to the City of San Rafael, and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.



MINUTES

**San Rafael Planning Commission
Regular Meeting
Tuesday, February 9, 2021, 7:00 P.M.**

Virtual Meeting

**Watch on Webinar: <https://tinyurl.com/PC-2021-02-09>
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>
Telephone: (669) 900-9128
Meeting ID: 872-0645-4435**

CORONAVIRUS (COVID-19) ADVISORY NOTICE

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Present: Chair Samudzi
Commissioner Davidson
Commissioner Lubamersky
Commissioner Mercado
Commissioner Previtali
Commissioner Saude

Absent: None

Also Present: Alicia Giudice, Planning Manager
Michele Ginn, Permit Services Coordinator
Renee Nickenig, Assistant Planner
Barry Miller, Project Planner
Paul Jensen, Community Development Director

CALL TO ORDER

Chair Samudzi called the meeting to order at 7:01 p.m. and invited Planning Manager Alicia Giudice to call the roll. All commissioners were present.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Samudzi invited Planning Manager Alicia Giudice who informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

Chair Samudzi reviewed the procedures for the meeting.

URGENT COMMUNICATION

None

CONSENT CALENDAR

Chair Samudzi invited public comment; however, there was none.

Commissioner Lubamersky moved and Commissioner Davidson seconded to approve the Consent Calendar.

1. **Approval of the Planning Commission Meeting Minutes of January 26, 2021**
Approved as submitted

AYES: Commissioners: Davidson, Lubamersky, Mercado, Previtali, Saude & Chair Samudzi

NOES: Commissioners: None

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

Motion carried 6-0

DISCUSSION ITEM

2. **160 Mitchell Boulevard**

Report and discussion on possible zoning amendment to allow for the conversion of an approximately 10,644 square foot vacant office building to multifamily residential building.

Case No.: CDR19-00

Project Planner: Renee Nickenig

Renee Nickenig, Assistant Planner, presented the Staff Report.

Aaron Lamstein, Applicant and Rick Williams, Architect gave a presentation.

Staff responded to questions from the Commissioners.

Chair Samudzi invited public comment.

Speakers: David Swig, Leslie Simmons, Bill Carney, Len Rifkind, Name withheld, Diane Ramsey, Howard Swig

Staff responded to public comment and questions from the Commissioners.

Commissioners provided comments regarding the discussion questions. Staff responded to questions from the Commissioners.

No action was taken by Commissioners.

PUBLIC HEARING

3. Draft Downtown San Rafael Precise Plan

The Planning Commission will conduct its third public hearing on the Draft Downtown Precise Plan on February 9. The hearing will provide an opportunity to review the comments and issues raised at the prior meetings and discuss potential edits. Continued public comment on Draft General Plan 2040 also may occur at this hearing.
Case Nos.: GPA16-001 & P16-013
Project Planner: Barry Miller

Barry Miller, Project Planner presented the Staff Report.

Staff responded to questions from the Commissioners.

Chair Samudzi invited public comment.

Speakers: Riley Hurd, Ragghianti Freitas, Jeff Rhoads, Bill Carney, Sustainable San Rafael, Kate Powers

Commissioners provided comments regarding the discussion questions. Staff responded to questions from the Commissioners.

Commissioner Saude moved and Commissioner Lubamersky seconded to accept the report.

AYES: Commissioners: Davidson, Lubamersky, Mercado, Previtali, Saude & Chair Samudzi

NOES: Commissioners: None

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

Motion carried 6-0

Accepted report

DIRECTOR'S REPORT

Planning Manager Alicia Giudice reported:

- Meeting on March 9 will include comments on draft Environmental Impact Report (EIR)
- Housing policies that Planning Commission has been seeing will go to the City Council on February 16
- City is looking at establishing a public arts process outside the normal land use process and will also go to the City Council on February 16
- Housing Analyst recruitment is active

COMMISSION COMMUNICATION

None

ADJOURNMENT

Chair Samudzi adjourned the meeting at 9:58 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

SHINGAI SAMUDZI, Chair



SAN RAFAEL

THE CITY WITH A MISSION

PLANNING COMMISSION MEMORANDUM

Community Development Department – Planning Division

DATE: February 23, 2021

TO: Chair Samudzi,
Planning Commission Members

FROM: Alicia Giudice, Planning Manager

SUBJECT: Item 2. **Accessory Dwelling Unit Ordinance**

Staff is requesting a continuation of this item to allow staff to continue to work with other City staff and assure all sections of the San Rafael Municipal Code are adequately cross-referenced and to allow Planning Division and Fire Department staff to take a closer look at the streets where Accessory Dwelling Units would be prohibited due to fire safety concerns.

Staff is requesting a continuation to a date certain of March 23, 2021.



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date:	February 23, 2021
Agenda Item:	3
Case Numbers:	UP21-001, ED21-002, & IS21-001
Project Planner:	Paul Jensen (415) 485-5064

REPORT TO PLANNING COMMISSION

SUBJECT: Tiscornia Marsh Restoration Project, North of Canal Street – Scoping hearing for the Notice of Preparation of an Environmental Impact Report (EIR) to assess the impacts of the Tiscornia Marsh Restoration Project. The project proposes to restore the tidal marsh/mudflats located north and outboard of Canal Street, as well as the diked marsh located north of the Albert J. Boro Center/Pickleweed Park Playfields. APNs: 009-142-01, 009-032-08 and -09; Park/Open Space-Wetland Overlay (P/OS-WO) District. Applicant: Marin Audubon Society; Property Owners: Marin Audubon Society and City of San Rafael.

EXECUTIVE SUMMARY

Marin Audubon Society (MAS), project applicant has filed Use Permit and Environmental and Design Review Permit applications to pursue a restoration of the Tiscornia Marsh and adjacent diked marsh located north of Canal Street. The City of San Rafael is the lead agency for permitting and completing the required environmental review for this project. The applications and plans have been reviewed and it has been determined that the project has the potential to result in significant, physical environmental effects. Therefore, the preparation of an Environmental Impact Report (EIR) is recommended.

Consistent with the California Environmental Quality Act (CEQA) Guidelines, the issuance of a Notice of Preparation (NOP) is required when the lead agency has determined that an EIR will be prepared. An NOP was issued on January 25, 2021 and mailed to the State Clearinghouse, responsible and trustee agencies and interested parties and groups, to announce the initiation of the EIR process. Further, a notice of the NOP was mailed to property owners and residents within 400 feet of the project site. The purpose of the NOP is to solicit comments regarding the scope of issues to be addressed/studied and project alternatives that should be considered in the EIR. The NOP affords a 30-day review period for comments to be submitted. During this NOP comment period, the Planning Commission is required to conduct a “scoping hearing” to receive comments and provide direction on proceeding with the EIR. The 30-day review period will close on Friday, February 26, 2021.

Please note that, for this project, an Initial Study (environmental checklist) has not been prepared, which would “screen out” certain topic areas from the EIR focus. However, staff has recommended key topic areas to be addressed/studied, which are discussed in this report. Following closure of the NOP comment period, the scope will be confirmed and preparation of the Draft EIR (DEIR) will begin. When completed and released, the DEIR will be subject to a 45-day public review period and a public hearing with the Planning Commission. Lastly, it is important to note that the specific purpose of scoping hearing is to provide comments on the issues to be addressed/studied in the EIR. Therefore, comments on the merits of this project (to support, oppose or modify the project) should be held for future public hearings when the project applications will be considered for action by the Planning Commission.

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Accept public testimony on the Notice of Preparation (NOP) and scope of issues to be addressed in the EIR.
2. Direct staff to prepare a Draft Environmental Impact Report (DEIR), taking into consideration verbal and written comments received during the scoping period.

BACKGROUND

Site Description & Setting:

The Tiscornia Marsh site covers 21 acres of tidal marsh and bay lands and well as 2,000 feet of shoreline levee/trail located north of East Canal Street. The property, which is owned by MAS is bound to the: a) south by a shoreline levee, Schoen Park (small City-owned park/playground) and Canal Street; b) west by the Albert J Boro Community Center and Pickleweed Park; c) east by the San Rafael Bay; and d) north by the San Rafael Creek. The neighboring Albert J Boro Community Center and Pickleweed Park covers approximately 15 acres which includes an active community center, community park and an expansive playfield. Included in the City-owned holdings is an undeveloped, four-acre diked salt marsh, which is located north of the large playfield. Although subject to flooding in the winter months, this diked salt marsh is enclosed by a perimeter levee and contains a well-used, informal pedestrian trail, which loops through the area.

The Tiscornia Marsh has experienced considerable erosion along its bayward edge, which is attributed to direct wave action from the bay. Over the last 30 years, approximately three acres of the tidal marsh has been lost to this erosion, which has dramatically impacted habitat for species such as the Ridgway's rail and salt marsh harvest mouse. Under current conditions, it is expected that this erosion will continue and will likely increase as sea level rises. The second critical issue for this general area is flooding. The adjacent Canal neighborhood is low-lying and is currently at risk to coastal flooding (as well as sea level rise).

History:

In June 2016, the voters of the nine Bay Area counties approved Measure AA, a parcel tax measure. The tax measure is a \$12.00 per year tax on every parcel in the Bay Area. The purpose of Measure AA is to generate \$500 million over a 20-year period for critical tidal marsh restoration projects around the San Francisco Bay. The goal is to improve water quality, restore habitat for wildlife, protect communities from flooding and increase shoreline public access.

Applications for Measure AA funds for local restoration projects are initiated annually by the San Francisco Bay Restoration Authority. In fall 2018, a second call for applications was released and Marin Audubon Society applied for funding. As required by the application process MAS was required to submit an endorsement of the application by the local jurisdiction (City). On October 1, 2018, the City Council reviewed this request and adopted Resolution No. 14592 authorizing the application endorsement. As part of this review, the City Council acknowledged its role as the lead agency on this project for permitting and environmental review. In 2019, the Measure AA funds were awarded to MAS for the planning, environmental review and permitting process.

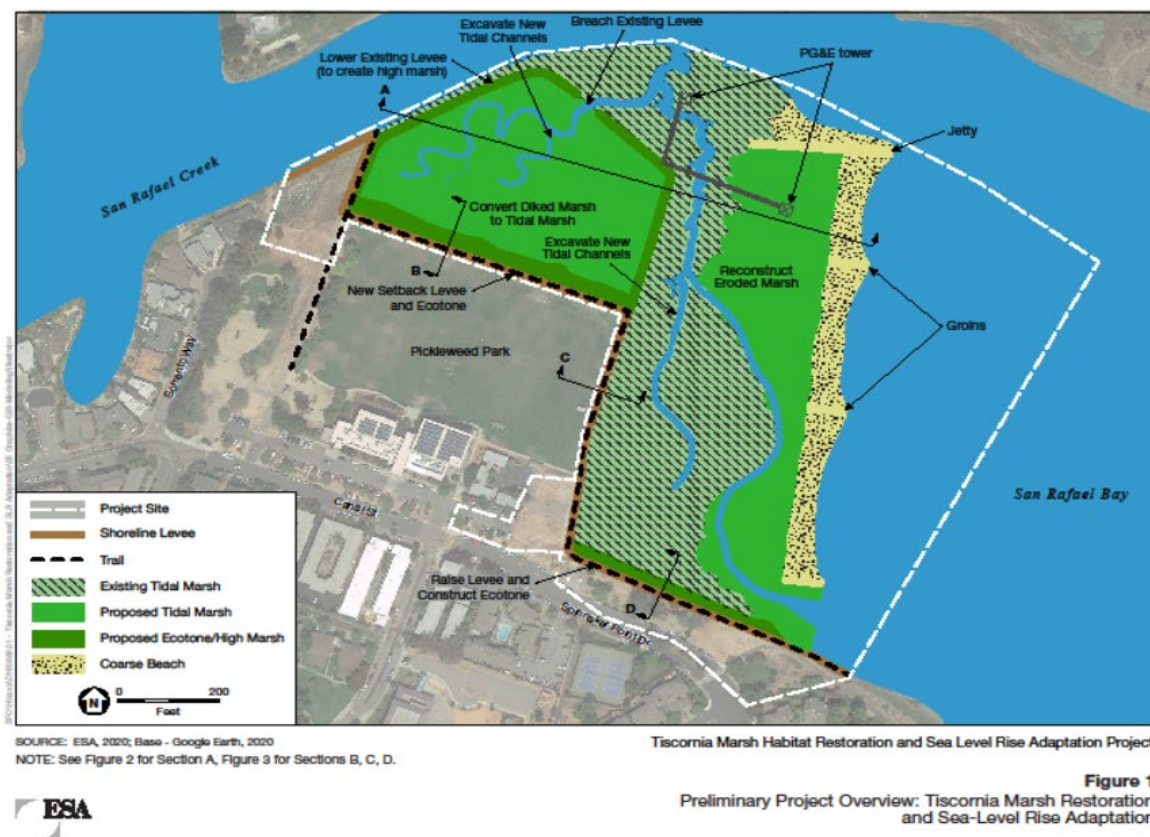


Figure 2
Project Location
Tiscornia Marsh Restoration and Sea level Rise Adaptation

PROJECT DESCRIPTION

Tiscornia Marsh would be restored to its former extents by beneficially reusing dredged material from local sources. A coarse beach would be constructed along the bay ward edge of the restored marsh to resist future erosion. Tidal action would also be restored to the City-owned diked marsh at the north end of Pickleweed Park. Altogether, the project would reconstruct approximately four acres of eroded tidal marsh, preserve, and protect the approximately eight remaining acres of Tiscornia Marsh, and restore approximately five acres of diked marsh (City-owned area north of the Pickleweed Park playfields) by reconnecting it to tidal inundation. The project also proposes to construct a new 600-foot setback levee and improve approximately 1,100 feet of shoreline levee to achieve greater flood protection, public access, and habitat benefits. In sum, the major project elements include the:

- Development of a coarse beach;
- Reconstruction of the eroded tidal marsh;
- Restoring the diked marsh to the bay;
- Shoreline levee improvements; and
- Development of an ecotone slope.



Project plans, project description and technical studies for this project can be found on the project web page at <https://www.cityofsanrafael.org/tiscornia-marsh/>.

ENVIRONMENTAL ANALYSIS AND REVIEW

Notice of Preparation:

As discussed above, an NOP was published on January 25, 2021 to announce the commencement of the EIR process and to solicit comments concerning the scope of issues to be addressed in the EIR. (Exhibit 2). A 30-day public review period is being observed and public comment will be accepted until Friday, February 26, 2021. The purpose of the scoping hearing is to afford agencies and the public an opportunity to provide verbal comments on the scope of issues to be addressed in the EIR for the proposed project. Following the close of the NOP review period, City staff and the EIR consultant will review comments received for consideration in preparation of the DEIR.

Although scoping hearing is not required under CEQA, it offers another vehicle for public participation in addition to the submittal of written comments. Comments should be limited to the scope of environmental issues to be addressed in the EIR, and not on the merits of the project. There will be subsequent public hearings for the purpose the purpose of reviewing the merits of the project and action on the Planning application.

Probable Environmental Effects:

The primary purpose of the CEQA/environmental review process is to: a) provide full disclosure and information regarding a project's potential physical impacts on the environment, in advance of acting on a project; and b) require feasible mitigation to reduce or eliminate impacts that have been identified. The CEQA review process is not conducted to determine whether a project should be approved or denied (supported or rejected).

Typically, at the start of the CEQA/environmental review process, an Initial Study is prepared to determine if an EIR is required for a project. However, at the onset of this process, the applicant agreed to proceed with the preparation an EIR without the need to prepare an Initial Study. This approach is consistent with CEQA Guidelines Section 15060. Nonetheless, as discussed below, City staff has identified: a) the topic areas for which the project will clearly have no significant effect and could be removed from further study; and b) the topic areas where the project has the potential to significantly impact the environment and, therefore, require analysis in the EIR:

No Impact Determination

Based on the preliminary review of project application materials including the Applicant's Project Description and Project Plans (Exhibit 1), the following environmental Impact factors were determined to clearly not apply to this project and would not warrant further discussion in the EIR:

- *Agriculture and Forestry Resources*
- *Energy*
- *Mineral Resources*
- *Population/Housing*

This determination was based on the fact that there are no agricultural, forestry uses, mapped mineral resources or existing housing on the site. Further, the proposed use and its construction would not wasteful, inefficient, or unnecessary consumption of energy resources, nor conflict for a plan for renewable energy. Should there be evidence presented that any of the above impact categories could result in environmental impacts, the environmental factors would be addressed in the EIR.

Less than Significant or Potentially Significant Impact Determination

The EIR will analyze the extent to which the project design and alternatives would result in "Less than Significant", "Less than Significant with Mitigation Incorporation", and "Potentially Significant" environmental impacts and will identify appropriate project modifications or mitigation measures to reduce or eliminate these impacts. If an impact remains "Potentially Significant" even with mitigation incorporated, the City will have to consider adoption of findings of overriding consideration if it were to approve the project. Preliminary review has determined the following environmental impact categories to be addressed in the EIR:

- *Aesthetics* - The project will result in physical changes in topography and landscape that have potential effects related to scenic vistas (e.g., views of the Bay in the project vicinity), the existing character of the site and its surroundings. It is recommended that the EIR include visual simulations of the project from several vantage points.
- *Air Quality* – It is recommended that the EIR include an analysis of potential construction-related air emissions. The EIR will identify temporary construction-related mitigation measures to reduce potential air quality impacts to less than significant levels.
- *Hazards* - A review of hazardous materials investigation reports and databases for the site and area is recommended. While most of the site consists of mudflats, tidal marsh and diked marsh,

there is the potential for encountering contaminated soils during the dredging and grading process. The presence of contaminated soil material could influence the re-use of this material in the restoration project.

- Land Use and Planning – The proposed restoration activity would be consistent with the current property zoning and General Plan 2020. However, there are elements of the project that will require careful review of City land use regulations and policies to ensure consistency, particularly related to wetland protection policies and regulations (WO- Wetland Overlay District). It is recommended that project consistency with the adopted San Rafael Climate Action Plan be addressed. The EIR consistency analysis will focus on policies and regulation related to protection of the environment.
- Noise – Project construction has the potential to result in temporary noise impacts. It is recommended that construction-related noise impacts be analyzed in the EIR. The project is surrounded by sensitive noise receptors (residential uses). The EIR will identify temporary construction-related mitigation measures to reduce potential construction-related noise impacts to less than significant levels.
- Traffic and Transportation - The project is not expected to increase traffic or result in new traffic impacts. However, project construction (import/export of dredge materials and soil) and staging (construction vehicle trips) will result in a temporary increase in vehicle trips. Depending upon the logistics of the construction management plan, temporary traffic impacts could be significant. Although the City will soon be phasing out of analyzing Level of Service (LOS) for CEQA review,¹ it is recommended that the EIR evaluate construction traffic generation against the Level of Service (LOS) thresholds in the General Plan, as well as Vehicle Miles Travelled (VMT) metrics presented in the Draft General Plan 2040. With this analysis, the EIR will identify mitigation measures for construction-related traffic and staging.
- Biological Resources – The project has the potential to result in significant short-term and long-term impacts to biological resources. The *Tiscornia Marsh Habitat Restoration and Sea Level Rise Adaptation Project Habitat Assessment* (ESA, December 2020) was prepared to assess the natural communities of the site and the environs, extent of wetlands, special-status species, wildlife movement corridors and critical habitat. It is recommended that the information and findings of this assessment be included in the EIR. With inclusion of this analysis, the EIR will identify mitigation measures to reduce potential impacts to biological resource.
- Cultural/Tribal Resources – It is recommended that the EIR assess if the project has the potential result in significant impacts to pre-historic or archaeological/tribal resources. As part of the EIR process, the City will be following the tribal consultation protocols set forth in State Resources Code Section 21080.3.1 (AB 52) and CEQA Guidelines Section 15064.5. The City of San Rafael has initiated the tribal consultation process through an initial request with the Federated Indians of Graton Rancheria.
- Geology and Soils - The project site contains various forms of geologic conditions and soil types. The predominant, underlying soil type is bay mud, and in some areas, it is overlaid with fill. Consequently, the site is susceptible to seismic ground shaking and risks such as liquefaction. It is recommended that the EIR analyze the geologic and soil conditions of the site, as well as the proposed restoration work, which would change the landscape. The use of imported dredge spoils

¹ Senate Bill 743 mandates a phase out of analyzing local intersections and arterials utilizing the LOS metric for CEQA review. However, this law permits local jurisdictions to continue to use LOS as a metric for non-CEQA purposes such as monitoring and managing local intersections and roadways. The Draft General Plan 2040 includes policies and programs that support the continued use of LOS for development application review.

and other associated materials will be reviewed under this topic area. With this analysis, the EIR will identify mitigation measures to reduce potential impacts to biological resource.

- Greenhouse Gas Emissions – While the completed project is not expected to increase greenhouse gas (GHG) emission, it is recommended that the EIR address this topic area to confirm this finding. This review will also include an assessment of construction-related impacts.
- Hydrology and Water Quality - The project will result in a change in the landscape, which will impact the pattern and movement of surface water and runoff. This change is potentially significant. In addition, construction-related activities will occur within tidelands and waterways, which could result in potentially significant water quality impacts. It is recommended that the EIR assess both hydrologic and water quality impacts. With this analysis, the EIR will identify mitigation measures to reduce impacts.

The project proposes to implement adaptation measures that would ultimately result in a beneficial impact to combating and adapting to projected sea level rise. However, elements of this project design could potentially exacerbate projected sea level rise conditions to adjacent and nearby properties. Therefore, it is recommended that the EIR assess project impacts associated with projected sea level rise.

- Public Services & Facilities – It is recommended that the EIR include a discussion to confirm existing City services and infrastructure. This discussion would include police, fire, and public works services, as well as the ability to access the site for services.

The project has the potential to result in significant impacts the City's park and recreation facilities that border the project site. It is recommended that the EIR will analyze these impacts and identify potential mitigation measures.

- Utilities and Services Systems – It is recommended that the EIR assess potential project impacts related to water, wastewater, storm water, and power infrastructure. Utility and service system infrastructure traverse and border the site (e.g., PG & E power lines, San Rafael Sanitation District pipeline and easement, and storm water systems). With this analysis, the EIR will identify mitigation measures to potentially significant impacts to these systems, which may include recommended adjustments to the design and layout of the restoration plan.
- Wildfire – While the project is not anticipated to exacerbate the potential for wildfire risk, it may result in indirect environmental effects such as impairment of evacuation routes.
- Cumulative Impacts – As required by CEQA, cumulative impacts will be assessed.

Project Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. One of the intents of the NOP and the Commission's scoping session is to help determine potential alternatives to the project for discussion in the EIR. Staff is recommending that the EIR assess three alternatives including the "No Project" alternative (required by CEQA). The two alternatives to be finalized will consider the following approaches:

- Restore the outer, eastern marsh (Tiscornia Marsh) only with a smaller restoration construction footprint.
- Restore the inner, diked marsh (City-owned land) only with a smaller restoration construction footprint.
- Modify the marsh restoration design that would not include the beach protection feature.

The finalized project alternatives will not include concepts or approaches that would not meet the project objectives, which is to create a restoration project that: benefits biological resources and habitat; provides longer-term protection of the marsh; and combats projected sea level rise.

NEXT STEPS

Draft EIR

Preparation of a Draft EIR (DEIR) will be initiated once the scoping period has been completed. It is expected that completion of the DEIR to the date of release will take approximately three (3) months. Once the DEIR is completed, a Notice of Availability will be released initiating a 45-day public review period for comment on the document. The Planning Commission will hold a public hearing on the DEIR during the public review period and to provide comments on the adequacy of the document.

Final EIR and Project Merits

Following the completion of the DEIR and hearing, the environmental consultant will respond to the comments raised at the DEIR hearing and prepare a Final EIR (FEIR). The FEIR, along with the project merits, will be considered by the Planning Commission at a public hearing. This project involves quasi-judicial permit actions, so the Planning Commission will have final decision-making authority. However, the Planning Commission's action can be appealed to the City Council.

CORRESPONDENCE

As of the date and publication of this staff report, the City has received no correspondence on the NOP. Correspondence received before the Planning Commission meeting will be forwarded to Commission members under separate cover.

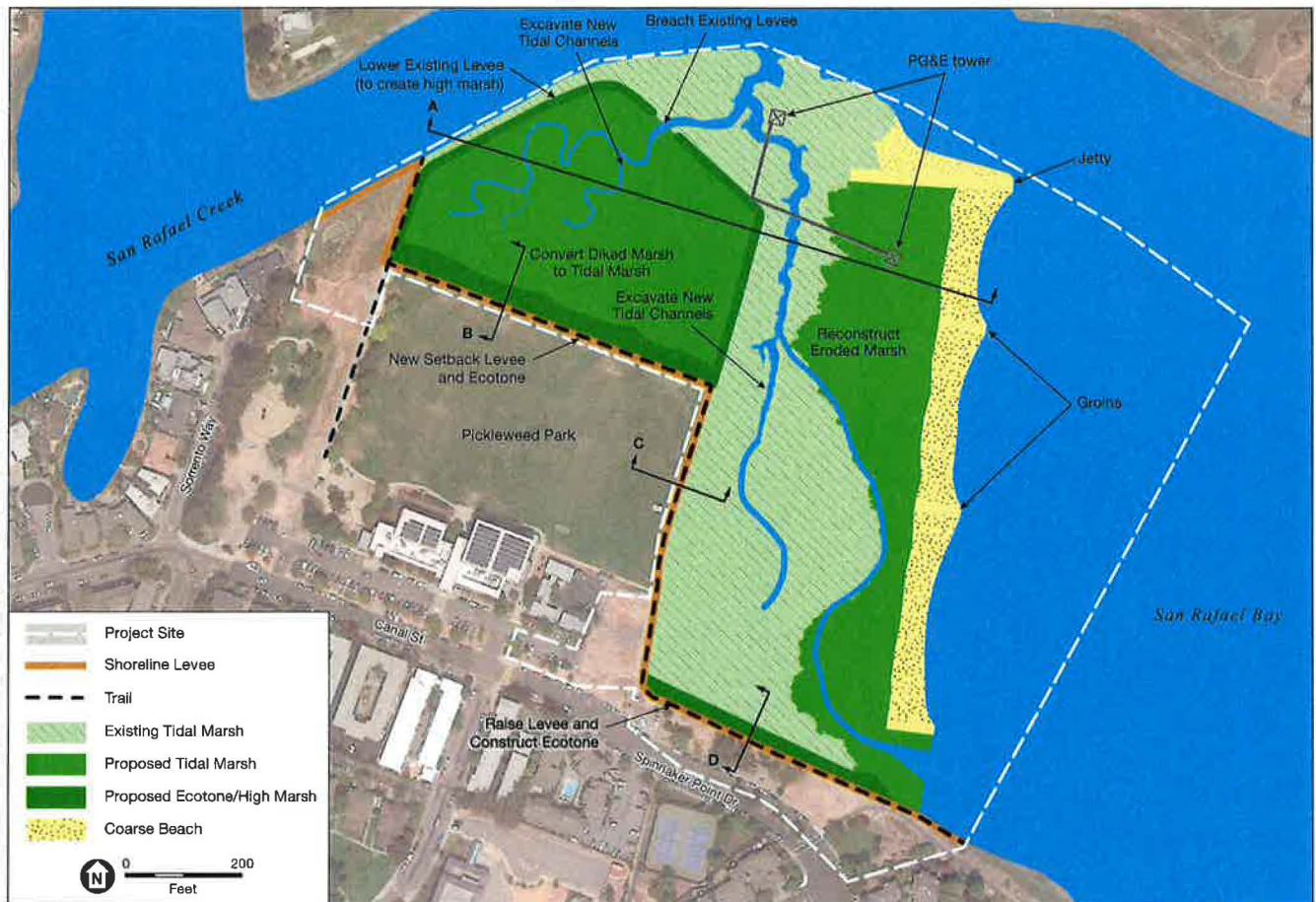
EXHIBITS

1. Tiscornia Marsh Project Description and Plans
2. Notice of Preparation, January 25, 2021

Plans/Documents and supportive studies provided on web site (www.cityofsanrafael.org/tiscornia-marsh/)

EXHIBIT A

TISCORNIA MARSH RESTORATION & SEA LEVEL RISE ADAPTATION PRELIMINARY PLANS



SOURCE: ESA, 2020; Base - Google Earth, 2020

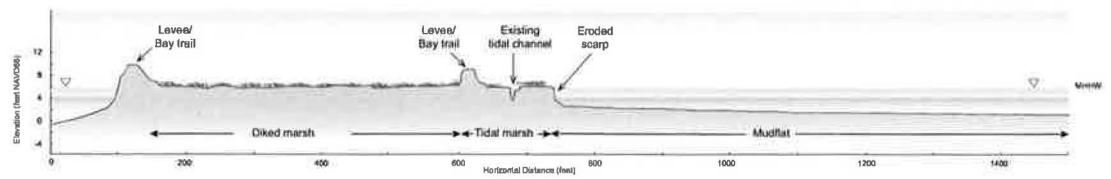
NOTE: See Figure 2 for Section A, Figure 3 for Sections B, C, D.

Tiscornia Marsh Habitat Restoration and Sea Level Rise Adaptation Project

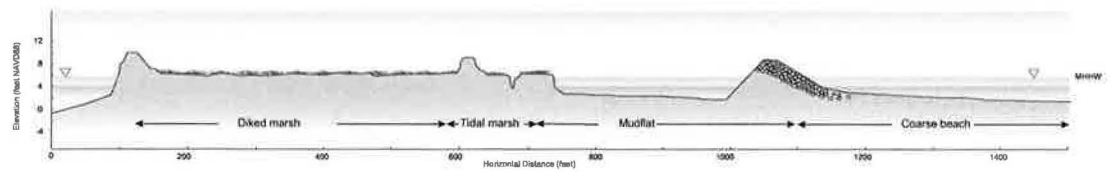
Figure 1

Preliminary Project Overview: Tiscornia Marsh Restoration and Sea-Level Rise Adaptation

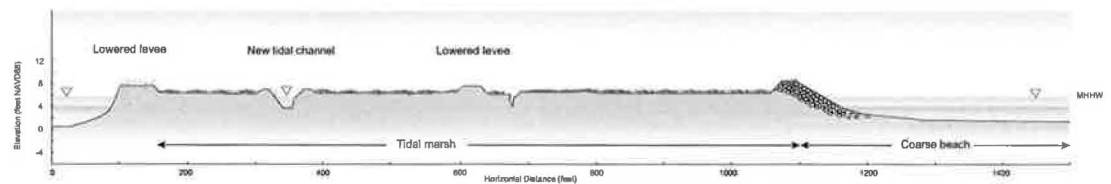
Existing Conditions



Interim Construction Conditions



Design Conditions

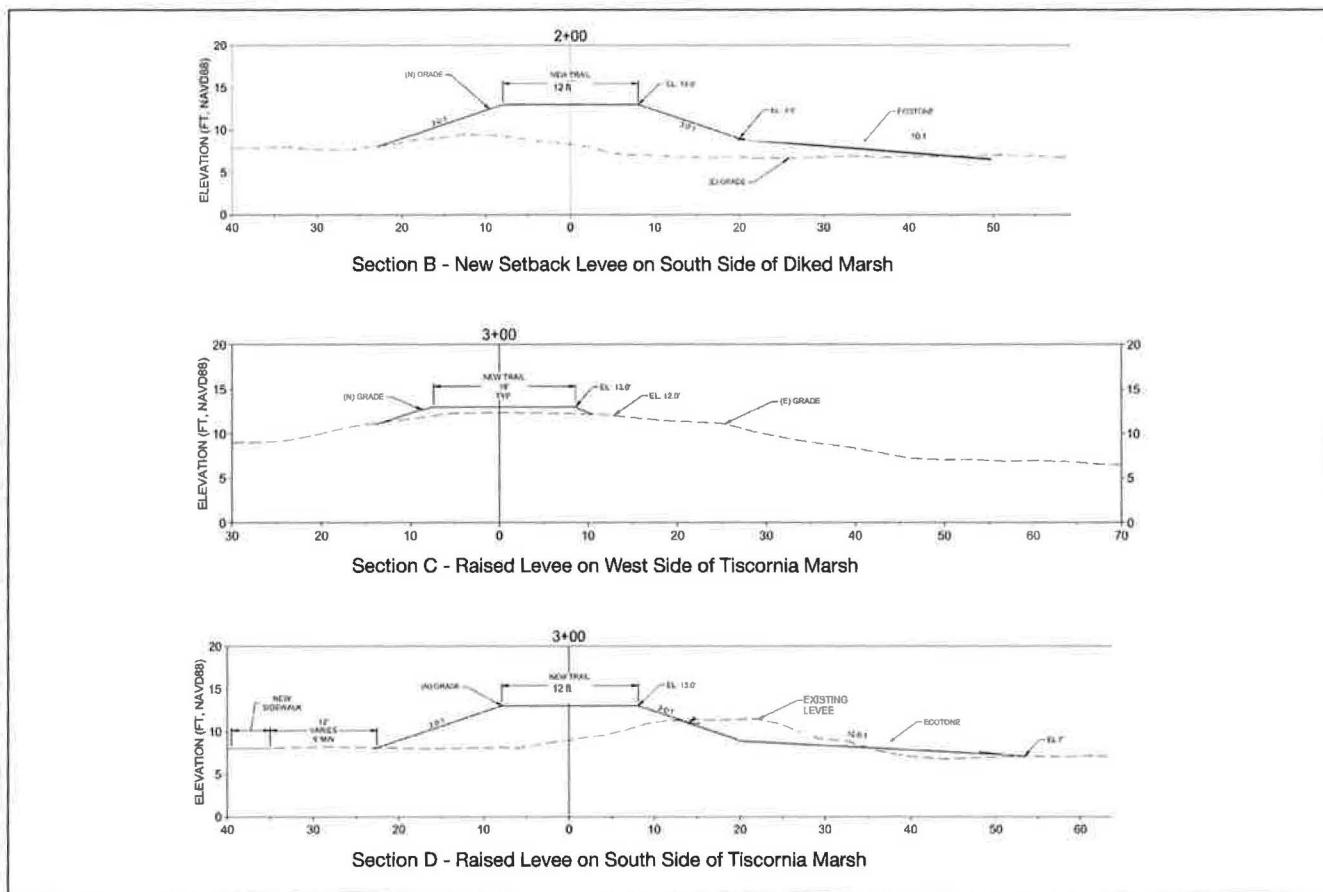


SOURCE: ESA 2020

Tiscomla Marsh Habitat Restoration and Sea Level Rise Adaptation Project

ESA

Figure 2
Section A – Preliminary Schematic Marsh Cross-section



SOURCE: ESA, 2020

Tiscornia Marsh Habitat Restoration and Sea Level Rise Adaptation Project



Figure 3
Sections B, C, and D - Preliminary Levee Cross-sections

EXHIBIT B

NOTICE OF PREPARATION



SAN RAFAEL

THE CITY WITH A MISSION

NOTICE OF PREPARATION

Date of Mailing: January 25, 2021

TO:	Office of Planning and Research State Clearinghouse 1400 Tenth Street, Room 212 Sacramento, CA 95814	FROM:	City of San Rafael Community Development Department Attn: Paul Jensen, Community Development Director 1400 Fifth Ave San Rafael, CA 94901
	Responsible and Trustee Agencies, Utility Providers, Organizations, Neighboring Property Owners, Neighboring Occupants, and Interested Parties		

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND SCHEDULED SCOPING MEETING FOR THE TISCORNIA MARSH RESTORATION PROJECT EIR

The City of San Rafael (City) is preparing an Environmental Impact Report (EIR) for the Tiscornia Marsh Restoration Project. The project proposes to restore the tidal marsh/mudflats located north and outboard of Canal Street and the diked marsh located north of the Albert J. Boro Community Center/Pickleweed Park playfields. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, this project is subject to environmental review. It has been determined that the project has the potential to result in environmental impacts and the preparation of an EIR is recommended to assess these impacts. The City is the "Lead Agency" for the project and is the public agency with the principal responsibility for approving and carrying out the project.

The City is issuing this Notice of Preparation (NOP) to invite comments on the scope and content of study for the EIR. This NOP is being sent to local agencies, nearby residents, and other interested parties. When the draft EIR is published, it will be sent to all parties who respond to this NOP or who otherwise indicate that they would like to receive a copy of the draft EIR.

RESPONDING TO THIS NOP: Responses to this NOP and any related questions or comments regarding the scope or content of the Draft EIR must be directed in writing to: **Paul Jensen, Community Development Director, City of San Rafael, 1400 Fifth Avenue, San Rafael, CA 94901** or by e-mail to paul.jensen@cityofsanrafael.org.

Comments on the NOP must be received at the above mailing or e-mail address within 30 days of receipt of this notice, or **before Friday, February 26, 2021 at 5:00 PM.** Please reference the project title of "Tiscornia Marsh Restoration Project" in all correspondence.

Responses to this NOP should focus, specific to this project, on the potentially significant environmental effects that the project may have on the physical environment, ways in which those effects might be minimized, and potential alternatives to the project that should be addressed in the EIR. This focus aligns with the purpose of the EIR to inform the public about these aspects of the project.

EXISTING CONDITIONS AND PROJECT LOCATION: The Tiscornia Marsh site covers 20 acres of tidal marsh and bay lands located north and outboard of East Canal Street (APN 009-142-01). The property, which is owned by Marin Audubon Society, is bound to the: a) south by a shoreline levee, Schoen Park (small City-owned park/playground) and Canal Street; b) west by the Albert J Boro Community Center and Pickleweed Park; c) east by the San Rafael Bay; and d) north by the San Rafael Creek. The neighboring Albert J Boro Community Center and Pickleweed Park covers approximately 15 acres which includes an active community center, community park and an expansive playfield (APNs 009-032-06, 08 and 09). Included in the City-owned holdings is an undeveloped, four-acre diked salt marsh, which is located north of the large playfield. Although subject to flooding in the winter months, this diked salt marsh is enclosed by a perimeter level and contains a well-used, informal pedestrian trail, which loops through the area. The Tiscornia Marsh and environs are presented in the attached Site Area Map (Attachment 1).

The Tiscornia Marsh has experienced considerable erosion along its bay ward edge, which is attributed to direct wave action from the bay. Over the last 30 years, approximately three acres of the tidal marsh has been lost to this erosion, which has dramatically impacted habitat for species such as the Ridgway's rail and salt marsh harvest mouse. Under current conditions, it is expected that this erosion will continue and will likely increase as sea level rises. The second critical issue for this general area is flooding. The adjacent Canal neighborhood is low-lying and is currently at risk to coastal flooding (as well as sea level rise).

PROJECT DESCRIPTION: Tiscornia Marsh would be restored to its former extents by beneficially reusing dredged material from local sources. A coarse beach would be constructed along the bay ward edge of the restored marsh to resist future erosion. Tidal action would also be restored to the City-owned diked marsh at the north end of Pickleweed Park. Altogether, the project would reconstruct approximately four acres of eroded tidal marsh, preserve, and protect the approximately eight remaining acres of Tiscornia Marsh, and restore approximately five acres of diked marsh by reconnecting it to tidal inundation. The Project would also construct a new 600-foot setback levee and improve approximately 1,100 feet of shoreline levee to achieve greater flood protection, public access, and habitat benefits. Major project elements include the: a) development of a coarse beach; b) reconstruction of the eroded tidal marsh; c) restoring the diked marsh to the bay; d) shoreline levee improvements; and e) development of an ecotone slope.

Project plans, project description and technical studies for this project can be found on the project web page at <https://www.cityofsanrafael.org/tiscornia-marsh/>.

POTENTIAL ENVIRONMENTAL EFFECTS: An Initial Study Checklist has NOT been prepared to accompany this NOP. The scoping of the topic areas to be studied in the EIR will be determined and confirmed as part of this NOP process. However, as part of the initial scoping review, City staff will be recommending that the following the EIR address the following potential environmental effects: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Noise, Public Services, Recreation, Greenhouse Gas Emissions, Hydrology and Water Quality, Transportation/Traffic, and Utilities/Service Systems. The EIR will examine project and cumulative effects and a reasonable range of alternatives to the project that may be capable of reducing or avoiding potential environmental effects that may be identified for the project. The topics of Agricultural and Forestry Resources, Mineral Resources, and Population/Housing will not be addressed in the EIR as these do not apply to the project or project site.

SCOPING MEETING: A scoping meeting will be held before the City of San Rafael Planning Commission on **Tuesday, February 23, 2021 at 7 PM.** **COVID-19 ADVISORY NOTICE:** Consistent with Executive Orders No.-25-20 and No. N-29-20 from the State of California Shelter in Place Order, the San Rafael Planning Commission hearing listed above WILL NOT be physically open to the public and the meeting will be streamed live to YouTube at www.youtube.com/sanrafael. Instructions on how to participate online, will be available on the YouTube channel. This virtual meeting will include a brief overview of the EIR process and allow time for comments on the scope of the EIR.

For More Information: For additional information on the project or if you wish to be placed on a mailing list to receive further information as the project progresses, please contact Paul Jensen at (415) 485-5064, paul.jensen@cityofsanrafael.org or the mailing address above.

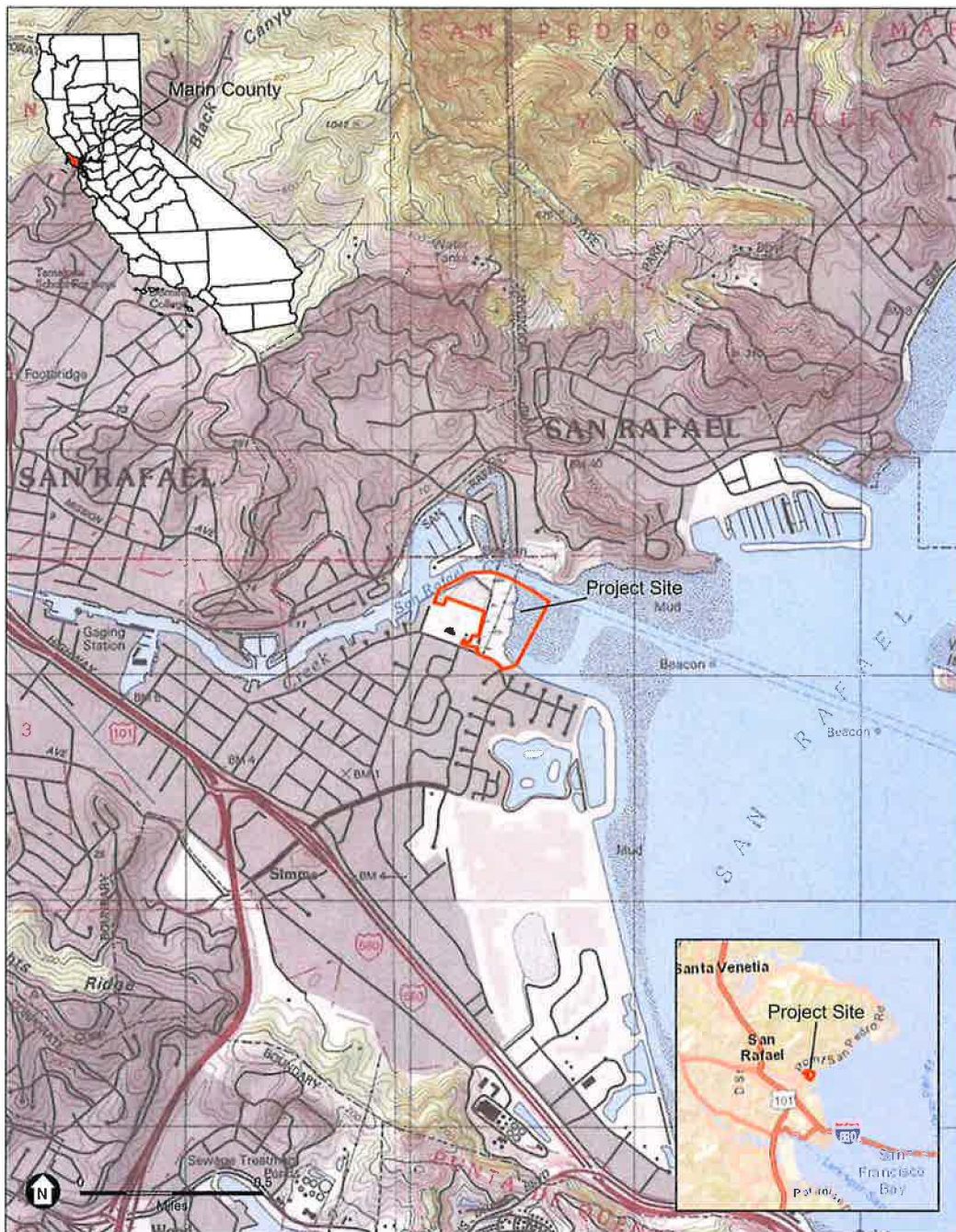
Date: January 25, 2021

Signature:



Name/Title: Paul A. Jensen, Community Development Director

Reference: California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(A), 15103, 15375



SOURCE: USGS, Esri

Project Name

Figure 1

Regional Setting

Tiscornia Marsh Restoration and Sea level Rise Adaptation





SOURCE: Aerial Imagery: Esri

160888.01



Figure 2
Project Location
Tiscornia Marsh Restoration and Sea level Rise Adaptation