



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: March 9, 2021

Agenda Item: 2

Case Numbers: GPA16-001 & P16-13

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REPORT TO PLANNING COMMISSION

SUBJECT: Public Hearing on Draft Environmental Impact Report for General Plan 2040 and Downtown San Rafael Precise Plan

The Planning Commission will conduct a public hearing on the Draft Environmental Impact Report (DEIR) for General Plan 2040 and the Downtown Precise Plan on March 9, 2021. The hearing is the final step in the public review period for the DEIR and provides an opportunity for public comment on the environmental review document. Case Nos.: GPA16-001 & P16-013.

EXECUTIVE SUMMARY

The San Rafael General Plan 2040 and Downtown Precise Plan are defined as a “project” under the California Environmental Quality Act (CEQA). The project was determined to have the potential for significant effects on the environment. As required by CEQA, a Draft Environmental Impact Report (DEIR) was prepared. A Notice of Preparation was issued on March 29, 2019 and a Scoping Session was held before the Planning Commission on April 23, 2019. The DEIR was published on January 7, 2021 with a 61-day public review period. That period closes on March 9, 2021.

The City of San Rafael is the lead agency for the project. As such, it is holding the March 9 public hearing to accept comments on the DEIR. Oral testimony received at the hearing will be considered part of the administrative record for the project. Responses to all comments will be prepared as part of the Final EIR process. Comments on the DEIR should focus on the environmental issues and alternatives evaluated in the EIR and not on the merits of the project itself.

The DEIR evaluates the impacts of adopting the General Plan 2040 and Downtown Precise Plan. The General Plan would replace existing General Plan 2020. The Downtown Precise Plan would replace the 1993 “Our Vision for Downtown San Rafael” and create new Form-Based Zoning districts in the Downtown area. The DEIR presumes the addition of 4,460 residential units, 8,910 new residents, and 4,155 new jobs over a 20-year period (2020-2040). About half of this growth would occur Downtown. The General Plan does not entitle any specific development project on any specific site; rather, it creates opportunities for future development based on Land Use designations and planning policies. The DEIR is a “program” EIR, meaning it evaluates the cumulative effects of adopting a particular set of policies over a 20-year period, rather than the impacts of approving a development on an individual site.

The DEIR concludes that adoption of the General Plan 2040 and Downtown Precise Plan may have significant, unavoidable impacts on air quality, cultural resources, greenhouse gas emissions, and transportation. It may have significant, but mitigable, impacts on biological resources, geology/soils, hazards/ hazardous materials, and noise/ vibration. The Plan(s) would have less than significant impacts on aesthetics, agriculture and forestry, energy, hydrology/ water quality, land use and planning, mineral resources, population and housing, public services and recreation, utilities and service systems, and wildfire. The impact findings are informed by policies and programs in the General Plan (and Downtown Plan) that have been intentionally structured to reduce environmental impacts and ensure that future

development is planned, designed, and constructed to avoid and mitigate adverse environmental effects. In some cases, the DEIR identifies additional policies and programs to be added to the General Plan and Downtown Precise Plan prior to their adoption to further reduce the potential for impacts.

RECOMMENDATION

It is recommended that the Planning Commission take the following actions, following a brief staff presentation:

1. Open the public hearing on the Draft EIR
2. Receive public comments and testimony
3. Provide comments on the Draft EIR to staff
4. Direct staff to prepare a Final EIR, including responses to comments

PROJECT BACKGROUND

Every city and county in California is required to prepare a long-range, comprehensive, general plan for its future. San Rafael's existing General Plan was adopted in 2004, with a horizon year of 2020. In 2018, the City initiated a General Plan Update, in order to move the Plan's horizon forward 20 years to 2040. The General Plan 2040 was created over a 2-1/2 year period that engaged hundreds of San Rafael residents and businesses. A 24-member Steering Committee was created to guide the process, with 25 meetings convened between January 2018 and June 2020. The community was also engaged through workshops, surveys, web-based activities, and direct outreach to stakeholders and neighborhood groups. The Draft 2040 Plan carries forward much of the content of General Plan 2020 but reorganizes and updates the document to reflect changed conditions, new State laws, and emerging issues and priorities.

As part of the General Plan Update, the City prepared a more focused plan for Downtown San Rafael. Downtown development is currently guided by General Plan 2020, which incorporated a Downtown Vision Plan adopted in 1993. The City received a One Bay Area Grant in 2018, enabling an update of the 1993 Plan. The grant also enabled an updated inventory of Downtown historic resources and new recommendations for transportation, affordable housing, economic development, and climate resilience. The updated Downtown Plan (called a "Precise Plan") includes a Form-Based Code (FBC) for Downtown, which will replace existing zoning regulations. Community engagement included a three-day design charrette in May 2019, as well as several pop-up workshops on 4th Street, and meetings with the General Plan 2040 Steering Committee.

The General Plan 2040 was published in October 2020 (Chapters 1-9) and November 2020 (Chapters 10-14). Planning Commission public hearings were held on October 27, November 12, and December 15. The Precise Plan was published on December 21, 2020. Planning Commission public hearings were held on January 12, January 26, and February 9, 2021. Staff reports prepared for each meeting provide additional detail on the content of the two plans, as well as public comments and responses.

The General Plan and Precise Plan are collectively defined as a "project" under the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report (DEIR) has been prepared to assess the potential environmental consequences of adoption, including mitigation measures and alternatives to the proposed project that would avoid or reduce potential impacts. The DEIR compares the development potential associated with the two plans with existing (or "baseline") conditions. This assessment informs decision-makers, the public, and other agencies of the nature of the "project" and its potential effects on the environment.

Notice of Preparation and 2019 Scoping Session

A Notice of Preparation (NOP) was issued on March 29, 2019. The NOP is a legally required document that announces the initiation of an EIR process and solicits comments regarding the scope of issues to be addressed. Copies of the NOP were mailed to the State Clearinghouse, responsible and trustee agencies (e.g., agencies that could potentially be affected by the project's impacts or are responsible for land or services in the project area) and interested parties and groups. A legal ad was published in the Marin Independent Journal on March 31, 2019 announcing the issuance of the NOP and start of a state-mandated 30-day public comment period.

The Planning Commission convened a public scoping session on the project on April 23, 2019. The scoping session provided an opportunity for public comment on the specific issues that should be addressed in the EIR. The 30-day scoping period ended on April 29, 2019. Comments were received from Caltrans, the Bay Area Air Quality Management District (BAAQMD), Federated Indians of Graton Rancheria, Sustainable San Rafael, Gallinas Watershed Council, and three residents. Oral testimony from the scoping session also was received and considered.

Notice of Completion and Publication of Draft EIR

The Draft EIR (DEIR) was published on January 7, 2021. State law requires a 45-day review period; this was extended to 61 days to provide additional time for public comment. The review period closes on March 9. Verbal comments received at the Planning Commission hearing will be considered part of the public record and responses to those comments will be prepared.

Upon its release, the DEIR was filed with the State Clearinghouse for distribution to State agencies, including the Air Resources Board, Caltrans, the Department of Fish and Wildlife, the Department of Housing and Community Development, the Native American Heritage Commission, the Office of Historic Preservation, the Department of Parks and Recreation, the Regional Water Quality Control Board, the Bay Conservation and Development Commission, and the State Lands Commission. The City also filed a Notice of Completion with the County Clerk, published a legal ad on the availability of the document, and provided hard copy (post-cards) and email (PDF) notices of the document's availability to mailing lists containing several hundred recipients, including regional agencies, special districts, and adjacent cities. Recipients were notified of the March 9 deadline for comments, and of the opportunity to speak at the March 9, 2021 Planning Commission hearing.

EIR APPROACH, ORGANIZATION AND CONTENTS

As noted on page 1 of this staff report, the DEIR is a "program" EIR. This contrasts with a "project" EIR, which is used to identify site-specific impacts associated with a particular development or physical project. No specific development projects are included in the General Plan/ Precise Plan DEIR. Section 15168 of the CEQA Guidelines indicates 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.

Although no specific projects are covered by the EIR, future development and capital improvement projects that are consistent with the General Plan and Downtown Precise Plan can rely on the document for a streamlined environmental review process. This is known as "tiering." CEQA guidelines encourage the use of tiering so that environmental review for subsequent projects can be focused on localized impacts (such as noise and cultural resources). This avoids repetitive evaluations of citywide or issues that are adequately addressed in the General Plan EIR. Where an EIR has been certified for a program or plan, the environmental review for a future project can cross-reference the earlier analysis and focus on more place-based impacts. Many future projects may also be exempt from future EIR requirements,

to the extent they are consistent with the General Plan and Downtown Precise Plan land use designations and policies.

The DEIR includes a main document comprised of eight chapters, along with nine technical appendices. A majority of the document is contained in Chapter 4, which evaluates the impacts of the project on 18 different categories of potential environmental impacts. A summary of the document is provided below:

- Chapter 1 (Introduction) describes the proposed action, explains the scope of the EIR, outlines the environmental review process, and explains how the EIR will be used in the future.
- Chapter 2 (Executive Summary) summarizes the environmental consequences that would result from implementing General Plan 2040 and the Downtown Precise Plan, including impacts that can be mitigated to less than significant levels, and impacts that are significant and unavoidable even after mitigation. The information is presented in matrix format.
- Chapter 3 (Project Description) describes General Plan 2040 and the Downtown Precise Plan in detail. This includes growth estimates for the 2020-2040 period that are used throughout the document as a benchmark for evaluating citywide impacts.
- Chapter 4 (Environmental Analysis) is organized into sub-chapters 4.1 through 4.18, using the categories listed in Appendix G of the CEQA Guidelines. For each topic area, the chapter provides a description of physical environmental conditions in the San Rafael Planning Area as they existed at the time the Notice of Preparation was published. Additionally, this chapter provides an analysis of the potential environmental impacts of the proposed project, along with mitigation measures (where needed) to reduce the impacts. Each chapter also includes a description of the thresholds used to determine if a significant impact would occur, as well as the methodology used to identify and evaluate impacts.
- Chapter 5 (Alternatives to the Proposed Project) describes alternatives to adopting the General Plan and Downtown Precise Plan, and qualitatively evaluates the environmental consequences of each alternative. The alternatives considered are: (a) No Project, meaning the existing 2020 Plan remains in effect; (b) An alternative with more housing; and (c) An alternative with less housing.
- Chapter 6 (CEQA-Required Conclusions and Findings) discusses the potential for the General Plan and Downtown Precise Plan to induce growth, have significant and unavoidable effects, create cumulative impacts, and result in significant, irreversible changes.
- Chapters 7 and 8 are primarily for reference. Chapter 7 lists organizations and persons consulted when preparing the EIR. Chapter 8 identifies common abbreviations and acronyms.
- Appendices A-I are intended to provide background data and additional technical or supporting information. The following topics are included:
 - A. Notice of Preparation/ Scoping Comments
 - B. Proposed General Plan 2040 Goals, Policies, and Programs
 - C. Land Use Map Changes Included in General Plan 2040
 - D. Air Quality and Greenhouse Gas Emissions Data
 - E. Biological Resources Data
 - F. Cultural (Historic) Resources Data
 - G. Hazardous Materials Data
 - H. Noise Data
 - I. Transportation Data

PROJECT DESCRIPTION

The “project” described in the DEIR consists of the General Plan 2040 and Downtown Precise Plan. The study area evaluated corresponds to the Planning Area covered by General Plan 2040, which includes all land within the City limits, the San Rafael sphere of influence (Los Ranchitos, Country Club, Rock Quarry, Bayside Acres, Santa Venetia, China Camp, etc.), and unincorporated areas beyond the sphere (Marinwood/ Lucas Valley). Components of the project are described in the EIR under two major headings, corresponding to the General Plan and the Precise Plan.

Components of the General Plan highlighted in the EIR include the Guiding Principles, the reconfigured General Plan Elements, and the new or updated goals, policies, and programs. The EIR highlights the reorganization and updating of the Neighborhoods Element, the addition of historic preservation policies to the Community Design and Preservation Element, the greater focus on climate change and sustainability in the Conservation Element, the merging of Parks, Recreation and Open Space into a single element, the addition of resilience as a Safety Element theme (and realignment of this chapter to incorporate the Local Hazard Mitigation Plan), the reframing of the Circulation Element as a “Mobility” Element focused on VMT reduction and alternatives to fossil fuel vehicles, the addition of a Community Services and Infrastructure Element, and the addition of an Equity, Diversity, and Inclusion Element (including environmental justice policies).

The project description further highlights changes to the General Plan Land Use Map, including the merging of several categories, the shift from gross density to net density, the mapping of a sea level rise overlay zone, and specific Map changes proposed by staff or by property owners to reflect recent plans, developments, or property conditions.

Components of the Downtown Precise Plan highlighted in the EIR Project Description include general design principles, new Downtown Zoning Districts, and the adoption of new height limits across the Downtown area. The Project Description also identifies major capital projects, economic development actions, affordable housing and anti-displacement strategies, historic resource proposals, and transportation/parking improvements.

The Project Description provides Year 2040 Buildout Projections in the EIR Study Area, including 2040 estimates for households, residential units, total population, and employment. The projections use the Association of Bay Area Governments regional plan (Plan Bay Area 2040) as their foundation but are somewhat higher than the regional forecasts to create a buffer for future growth and acknowledge that Land Use Map changes in Downtown San Rafael and a few other locations may facilitate additional growth in the next 20 years.

Table 1 indicates the buildout projections used throughout the EIR. The projections are not intended to be a prediction of how much growth will occur by 2040, but rather establish a “baseline” and 20-year growth increment that is tested throughout the DEIR. In the event development levels exceed the levels indicated in the DEIR, an Addendum or Supplement (or a new EIR) would be needed to account for the unanticipated growth.

Table 1: Proposed 2040 Buildout Levels in the EIR Study Area (includes unincorporated areas)

Category	Existing Conditions (2020)	2020-2040 Growth Increment			2040 Buildout Estimates
		Inside City Limits	Unincorporated Planning Area	Total	
Households	28,132	3,860	390	4,250	32,382
Housing Units	29,529	4,050	410	4,460	33,989
Population	75,751	8,010	900	8,910	84,661
Jobs	44,200	4,050	65	4,115	48,315
<i>TOTALS FOR DOWNTOWN PRECISE PLAN AREA ONLY (subset of the numbers above)</i>					
Households	1,496	2,100	N/A	2,100	3,596
Housing Units	1,571	2,200	N/A	2,200	3,771
Population	2,315	3,570	N/A	3,570	5,885
Jobs	11,000	2,020	N/A	2,020	13,020

Source: City of San Rafael, 2020

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This section of the staff report highlights the impacts and mitigation measures identified by the DEIR. Levels of impact are characterized in the following manner:

- **“No impact”** indicates there will be no adverse effect on the environment.
- A **“less than significant”** (LTS) impact refers to effects that are noticeable but do not exceed defined thresholds. This includes impacts that are potentially “significant” but can be reduced below defined thresholds through mitigation measures.
- A **“significant and unavoidable impact”** (SU) exceeds a defined threshold. SU impacts are identified where mitigation measures would not diminish the effects to less than significant levels.

The impact analysis is guided by state legislation relating to what may or may not be considered a significant environmental impact. Most of this legislation has been adopted since the last General Plan EIR was prepared (e.g., since 2003), resulting in different areas of emphasis and different methods of analysis in this EIR than in the EIR prepared for General Plan 2020 when it was drafted 18 years ago.

For example, SB 743 now prohibits the use of Level of Service (LOS) as a metric for evaluating transportation impacts. Consistent with State law, the DEIR uses Vehicle Miles Traveled (VMT) instead. This shifts the focus of the transportation impact analysis from traffic congestion to the quantity of vehicle-related greenhouse gases that could result from implementation of the Plan. Similarly, parking adequacy is no longer treated as a CEQA impact, and aesthetic (visual) impacts are statutorily excluded for “transit priority areas” (areas within ½ mile of a major transit stop). CEQA also limits the impact analysis to the effects a project may have on the environment, rather than the effects the environment may have on a project (e.g., a project’s vulnerability to natural hazards such as flooding or earthquakes).

The extent of potentially significant CEQA impacts is reduced by the intent of the General Plan itself, which is designed to be a “self-mitigating” document. The General Plan anticipates the impacts of development on the environment and includes policies and programs that purposefully reduce those impacts. For example, the Conservation and Climate Change Element of the Plan includes policies and programs to protect creeks, wetlands, special status species, and native vegetation from the impacts of development. On a programmatic level, these policies and programs reduce potential impacts on biological resources. Likewise, policies and programs in the Safety and Resilience Element address geologic hazards, flooding, wildfire, hazardous materials, and other topics that are covered in the EIR, thereby reducing CEQA impacts.

Where an impact is not mitigated to a less than significant level, the EIR identifies additional policies and programs to be added to the General Plan (or Downtown Precise Plan) aimed at addressing that impact. As a result, some of the EIR mitigation measures instruct the City to add language to the General Plan prior to its adoption.

Because the DEIR covers two planning documents, it has been structured to address each CEQA impact under two separate sub-headings—one corresponding to citywide (General Plan) impacts and a second corresponding to Downtown (Precise Plan) impacts. Mitigation measures identified for General Plan-related impacts also apply within the Downtown area and are frequently cross-referenced as such. Mitigation measures specifically for Downtown Plan impacts apply only within Downtown. Each of the 18 impact sections also includes a discussion of cumulative impacts, which consider San Rafael's growth in the context of growth in a broader geography (such as the region, watershed, or air basin).

A summary of impacts and mitigation measures is provided below.

Aesthetics

The impacts described in this section were determined to be less than significant.

Agriculture and Forestry

The impacts described in this section were determined to be less than significant.

Air Quality

Some of the air quality impacts assessed by the DEIR were determined to be less than significant, while others were determined to be potentially significant, and a few were significant and unavoidable. The DEIR found less than significant impacts on the project's consistency with regional air quality plans, as well as its impacts on carbon monoxide hot spots and odors. It identified mitigatable impacts related to construction. It further found significant, unavoidable impacts associated with long-term operations (e.g., transportation, energy, building systems, etc.), the exposure of sensitive receptors to substantial pollutant concentrations, and cumulative air quality conditions.

To mitigate air quality impacts, the DEIR recommends that the following four programs be added to the General Plan Conservation and Climate Change Element:

- **New Program A:** Require projects that exceed the Bay Area Air Quality Management District (BAAQMD) screening sizes to evaluate project-specific construction emissions in conformance with BAAQMD's methodology. If construction-related criteria air pollutants exceed the BAAQMD thresholds of significance, require the project applicant to mitigate the impacts to an acceptable level. *(This program mitigates temporary increases in air pollutants caused by future construction of large projects)*
- **New Program B:** Require projects that exceed the BAAQMD screening sizes to evaluate project-specific operation emissions in conformance with BAAQMD CEQA Guidelines. If operation-related air pollutants exceed the BAAQMD-adopted thresholds of significance, require the project applicants to mitigate the impact to an acceptable level. *(This program mitigates long-term increases in air pollution once large-scale development projects have been completed)*
- **New Program C:** As recommended by the California Air Resources Board, require projects that would result in construction activities within 1,000 feet of residential and other land uses that are sensitive to toxic air contaminants (e.g., hospitals, nursing homes, day care centers), as measured from the property line of the project, to prepare a construction health risk assessment in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment and the BAAQMD CEQA Guidelines that identifies

mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0). *(This program mitigates the potential for sensitive receptors to be exposed to toxic air contaminants during construction)*

- **New Program D:** Require applicants for industrial or warehousing land uses or commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day) to contact BAAQMD to determine the appropriate level of operational health risk assessment (HRA) required. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements and mitigated to an acceptable level. *(This program mitigates the potential for sensitive receptors to be exposed to toxic air contaminants once individual future projects are operational)*

Even with the inclusion of these new programs in General Plan 2040, the DEIR concludes the potential for significant unavoidable impacts would persist for “project operations” (e.g., there would continue to be on-going emissions generated by future development built in the locations allowed by the General Plan).

Biological Resources

The DEIR identified four potentially significant impacts on biological resources, all of which can be mitigated to less than significant levels by adding new programs to the General Plan Conservation and Climate Change Element, or by modifying existing programs in this Element. Seven new or modified programs have been recommended for inclusion as follows (double underlining has been used to show where programs in Draft General Plan 2040 are recommended for modification):

- **Modified Program C-1.13B: Surveys for Special-Status Species.** Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. *(these edits mitigate potential impacts to special status species)*
- **New or Modified Program: Avoidance of Nesting Birds:** Nests of native birds in active use should be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction should be initiated outside the bird nesting season (March 1 through August 31) or preconstruction surveys should be conducted by a qualified biologist in advance of any disturbance. If active nests are encountered, appropriate buffer zones should be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest. *(mitigates potential impacts to special status species)*
- **New or Modified Program: Surveys for Sensitive Natural Communities.** Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. *(mitigates potential impacts to riparian areas and other sensitive natural communities)*
- **New or Modified Program: Surveys for Regulated Waters.** Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of regulated waters prior to development approval. Such surveys should be conducted by a qualified wetland specialist and occur prior to development-related vegetation removal or other habitat modifications. *(mitigates potential impacts on wetlands and jurisdictional waters of the United States)*
- **New or Modified Program: Surveys for Wildlife Movement Corridors.** Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of important wildlife corridors prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. *(mitigates potential impacts of future development on wildlife corridors)*

- **New or Modified Program: Risk of Bird Collision.** Require that taller structures be designed to minimize the potential risk of bird collisions using input from the latest bird-safe design guidelines and best management practice strategies to reduce bird strikes. *(mitigates potential impacts on wildlife)*
- **New Program: Bird Safe Design Ordinance.** Develop and adopt a Bird Safe Design ordinance to provide specific criteria and refined guidelines as part of design review of new buildings and taller structures. *(mitigates potential impacts on wildlife)*

The DEIR concluded that the addition of these programs would reduce biological impacts to less than significant levels.

Cultural Resources

Impacts on cultural resources were determined to be potentially significant. One new program has been identified as necessary to mitigate potential impacts on human remains that might be disturbed during future construction activities. Modifications to two programs already in the Community Design and Preservation Element of General Plan 2040 are recommended. The new and modified programs are described below:

- **New Program (under Community Design and Preservation Goal CDP-5): Human Remains.** Any human remains encountered during ground-disturbing activities should be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. *(mitigates potential impacts on human remains from future excavation for new construction)*
- **Modified Program CDP-5.1A: Update Historic Preservation Ordinance.** The City of San Rafael shall modify the City's Historic Preservation Ordinance to include updated procedures to mitigate impacts from the demolition, destruction, or alteration of historic resources. *(mitigates potential impacts associated with demolition or destruction of historic resources)*
- **Modified Program CDP-5.13A: Update Archaeological Resources Ordinance.** The City of San Rafael shall modify the City's Archaeological Resources Ordinance to include construction best management practices to follow if a potentially significant archaeological resource is encountered during ground-disturbing activities. *(mitigates potential impacts associated with disturbance of archaeological resources and/or tribal cultural resources during future excavation for new construction)*

The analysis concludes that even with these additional measures, adoption of the General Plan could have a significant, unavoidable impact on historic resources. This is due to the possibility that historic resources in Downtown San Rafael may be impacted by the Plan's emphasis on future development in this area. While the Precise Plan includes standards and processes for historic preservation and adaptive reuse of older structures, it also acknowledges that some eligible historic structures may be altered, relocated, or demolished. The other impacts addressed in this chapter are mitigated to less than significant levels.

Energy

Potential energy impacts include inefficient or unnecessary use of energy resources, and conflicts with renewable energy and energy efficiency programs. The DEIR concludes that these impacts are mitigated to less than significant levels due to the policies and programs in the General Plan, particularly in the Conservation and Climate Change Element and the Community Services and Infrastructure Element.

Geology and Soils

Potential geologic impacts associated with adoption of the General Plan and Downtown Plan include continued development in earthquake-prone and landslide areas, erosion and loss of topsoil, development on unstable soils, and disturbance of paleontological resources. The DEIR concludes that the policies in the General Plan (particularly the Safety and Resilience Element) mitigate these potential impacts to less than significant levels. To ensure that paleontological resources are protected, the DEIR recommends adding a new policy and program to the Plan.

- **New Policy: Paleontological Resource Protection.** Prohibit the damage or destruction of paleontological resources, including prehistorically significant fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development.
- **New Program: Paleontological Resource Mitigation Protocol.** The City shall prepare and adopt a list of protocols in accordance with Society of Vertebrate Paleontology standards that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed

This language would likely be located in the Community Design and Preservation Element under Goal CDP-5.

Greenhouse Gas (GHG) Emissions

The DEIR concludes that the General Plan 2040 and Downtown Precise Plan will have a significant, unavoidable impact on greenhouse gas emissions even with mitigation measures included. The analysis acknowledges the numerous policies and programs included in the two Plans designed to reduce GHG emissions and address global climate change. However, it is acknowledged that these measures alone may not be sufficient to achieve the 80 percent reduction in emissions that is envisioned by California Executive Order S-3-05. The Plans were also found to have potentially significant cumulative impacts on GHG emissions, insofar as they accommodate growth that would contribute to global emissions.

Other aspects of the GHG analysis were determined to have less than significant impacts. The project was found to be consistent with regional plans aimed at reducing GHG emissions, and with San Rafael's 2030 Climate Action Plan.

Hazards and Hazardous Materials

Potential hazards evaluated in this section include increased exposure due to the use, transport, or disposal of hazardous materials; increased potential for hazardous materials accidents and spills; new hazardous waste or emission sources near schools; future development on contaminated sites; development near airport runways; interference with evacuation plans; and increased exposure of structures to wildland fire. With one exception, the DEIR found these impacts to be less than significant due to the policies and programs included in Draft General Plan 2040. The exception relates to potential future development on contaminated sites.

The DEIR concluded that the City should add the following two programs to the General Plan Safety and Resilience Element (under Goal S-5) to reduce the potential for impacts associated with future development on contaminated sites:

- **New Program: Environmental Site Management Plan.** Require the preparation of an Environmental Site Management Plan (ESMP) in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control, for proposed development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5, which include, but

are not limited to, the Department of Toxic Substance Control's online EnviroStor database and the State Water Resource Control Board's online GeoTracker database.

- **New Program: Soil Vapor Intrusion Assessment.** For sites with potential residual contamination in soil or groundwater that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.

Addition of the above programs would reduce all hazard and hazardous material impacts to less than significant levels.

Hydrology and Water Quality

The DEIR included an evaluation of hydrology and water quality impacts, including the potential for violation of water quality and waste discharge standards, contamination of groundwater, depletion of groundwater supplies, alteration of drainage patterns, potential to exacerbate flooding, potential to cause pollution due to flooding, and potential to conflict with adopted water pollution and groundwater management plans. It also includes a discussion of sea level rise, including the vulnerability of future development areas to inundation.

The analysis concluded that hydrology and water quality impacts are mitigated to less than significant levels due to policies and programs in the General Plan and Downtown Precise Plan. Policies and programs in the Conservation and Climate Change Element, the Safety and Resilience Element, and other parts of the General Plan proactively address water quality and the potential for flooding and identify the measures that future development must take to address these issues.

Land Use and Planning

This section of the DEIR evaluates the potential for the General Plan and Downtown Precise Plan to physically divide the community, or conflict with other planning documents. As the framework for all city plans, the purpose of the General Plan is to mitigate such impacts. Thus, no significant impacts were identified in this section.

Mineral Resources

Adoption of the General Plan 2040 and Downtown Precise Plan would have less than significant impacts on mineral resources. The General Plan includes programs to mitigate impacts associated with the San Rafael Rock Quarry, which is the only identified mineral resource site in the Plan Area.

Noise and Vibration

The DEIR identified the potential for significant noise and vibration impacts, primarily associated with future construction and the exposure of future development to high levels of ambient noise. Some of these impacts could be significant without mitigation measures that go beyond what is currently included in Draft General Plan 2040.

Based on the DEIR findings, one new program and two modifications to currently proposed programs are recommended for addition to the Plan's Noise Element. Revisions are shown in double-underlined text and are listed below:

- **Modified Program N-1.9B:** ~~Use the environmental review process to identify measures to reduce the exposure of neighboring properties to excessive noise levels from construction activity.~~ **Construction Best Management Practices.** The City shall establish a list of construction best management practices to be implemented during the construction phase and incorporated into San Rafael Municipal Code Chapter 8.13, Noise. As appropriate, the City of San Rafael Building Division shall verify that these notations are on the demolition, grading, and construction plans prior to issuance of demolition, grading and/or building permits. *(mitigates potential noise impacts from future construction)*.
- **Modified Program N-1.11A: Construction Vibration-Related Conditions of Approval.** Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various types of buildings be applied to reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as older or historically significant buildings and structures, housing, and schools. If vibration levels exceed the FTA limits, the condition of approval shall identify alternative uses, such as drilling piles instead of pile driving and static rollers instead of vibratory rollers. Construction vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. *(mitigates potential vibration impacts from future construction)*
- **New Noise Element Program:** Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13 that require the use of Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration from commercial or industrial uses to reduce long-term vibration impacts at existing or potential future sensitive uses, such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences. Operational vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. *(mitigates potential operational vibration impacts from future development)*

The inclusion of these programs/ program changes would reduce noise and vibration impacts to less than significant levels.

Population and Housing

This section of the DEIR evaluates the potential for the General Plan and Downtown Precise Plan to induce substantial unplanned growth or displace a substantial number of residents. Both the General Plan and Downtown Plan include specific strategies to manage growth and avoid displacement. The impacts were found to be less than significant.

Public Services and Recreation

This section of the DEIR evaluates the impacts of the General Plan and Precise Plan on fire protection and EMS services, police services, schools, libraries, and parks/ recreation. For each topic area, the Plan uses the 2040 growth forecasts to determine potential impacts on these services, including the need for new facilities. A similar analysis had been performed when General Plan 2040 was drafted, and specific policies and programs are already included in the Plan to respond to potential impacts associated with growth and development. As a result, all of the impacts identified in this section were determined to be mitigated to less-than-significant levels by the policies and programs in the proposed General Plan.

Transportation

The transportation section considers the effects of the General Plan and Downtown Precise Plan on the vehicular, transit, bicycle, and pedestrian circulation systems, both on a the citywide and Downtown-specific basis. The analysis is based on computer modeling of the transportation network and detailed assumptions about how growth will be distributed across the Planning Area in the next 20 years. The model also considers proposed changes to the transportation network, including road improvements, bicycle and pedestrian improvements, and changes to transit systems. The model considers regional

growth as well as changes in travel behavior and travel modes anticipated over time. An important attribute of the model is its focus on Vehicle Miles Traveled (VMT) as the metric for determining if an impact is significant. “Significant” transportation impacts are associated with increases in the number of miles driven by San Rafael residents and workers, rather than by worsening congestion or travel delays.

The analysis concluded that growth under the General Plan and the Downtown Precise Plan could have a significant, unavoidable impact on VMT, despite the emphasis of both Plans on transit and “active” transportation modes, and a land use pattern that is less auto-dependent. This is largely due to the high cost of housing in San Rafael and the continued inability of a substantial share of the workforce to find affordable housing in the city. Despite the General Plan’s focus on affordable and workforce housing and its promotion of transit, the average VMT for those employed in the city is not expected to significantly decrease in the next 20 years.

The DEIR suggests modifying Program M-3.3A in the Mobility Element of General Plan 2040 to address this impact as follows:

- **Modified Program 3-3A: Update Trip Reduction Ordinance. ~~Develop TDM Program Guidelines.~~** The City of San Rafael shall modify the Trip Reduction Ordinance (TRO) to reflect General Plan 2040 Policy M-3.1 and focus on VMT reduction measures. The amended TRO shall include the City’s VMT reduction thresholds, VMT reduction measures and program guidelines, and a VMT trip reduction monitoring process. The TRO shall be updated a minimum of every five years to reflect changes in baseline VMT values, VMT thresholds, VMT reduction measures, and the monitoring process. The modified TRO shall reflect the process and methodology for conducting the VMT analysis for development projects as described in the City’s Transportation Analysis (TA) Guidelines.

While this measure (which promotes employer programs such as carpooling, vanpooling, telework, and flextime) may help offset increases in commuting, the offset may not be sufficient to achieve the targeted reductions in VMT. This is true both citywide and in Downtown San Rafael.

The analysis also found that the road widening and improvement projects listed in the Mobility Element could impede the City from reaching its VMT reduction goals. The Plan identifies road widening projects that would add approximately 3.8 new lane miles to the citywide road system in order to alleviate congestion. This additional road capacity could induce up to 50,500 VMT on a daily basis, which would be a significant and unavoidable VMT impact. Because decreases in VMT would fall short of regional targets, a cumulative (regional) impact on transportation also is identified in this chapter.

The remainder of the transportation analysis evaluates projected impacts on bicycle and pedestrian facilities, conflicts with plans for public transit systems, collision hazards due to the design of the future road system, and impacts on emergency vehicle response. All of these impacts were determined to be less than significant, as they are mitigated by policies and programs in General Plan 2040 and the Downtown Precise Plan.

Utilities and Service Systems

This section of the EIR evaluates the potential impacts of the General Plan and Downtown Precise Plan on water supply and distribution, wastewater collection and treatment, stormwater management, and solid waste management and disposal services. The 20-year growth increment included in the Project Description is applied to each service category to determine potential impacts on existing service levels, the need for increases in capacity, the need for additional facilities, and the potential for those facilities to have environmental impacts. Cumulative impacts (i.e., local growth *plus* additional demand elsewhere in the service area) were considered in each case.

As with Public Services and Recreation, a similar analysis was performed when developing the General Plan 2040 and Precise Plan. As a result, both of these documents already include proactive policies and programs to ensure that infrastructure remains adequate to serve future growth. These policies and programs are cited extensively in the DEIR as mitigating factors that reduce impacts to less than significant levels. No additional measures are identified.

Wildfire

The wildfire discussion addresses impacts of Plan adoption on wildfire hazards. These impacts could include interference with emergency response and evacuation plans, the potential for new development to worsen wildfire hazards in surrounding areas, and the potential for secondary impacts such as mudslides and flooding in the aftermath of a fire. These impacts were found to be less than significant largely due to policies and programs in the Safety and Resilience Element, the Land Use Element, and the Local Hazard Mitigation Plan, which is adopted by reference as part of the General Plan.

ALTERNATIVES

The State CEQA Guidelines require that EIRs describe “a range of reasonable alternatives” to proposed projects. Alternatives should achieve most of the objectives of the project but should aim to avoid or lessen the project’s significant effects. The DEIR for the General Plan 2040 and Precise Plan provides an analysis of project alternatives in Chapter 5. In this case the “objectives of the project” are the Guiding Principles laid out in Chapter 2 of the General Plan. The analysis of alternatives is mostly qualitative, considering the effects of policies and Land Use Map designations on population and employment forecasts for the Year 2040 and the effects of more (or less) growth on the environment.

The three alternatives and their respective impacts are described below:

- The “No Project” alternative (Alternative A) would retain General Plan 2020 “as is.” The 2020 Land Use Map would still apply, and development would be subject to the policies and programs in that Plan. Downtown development would continue to be subject to current zoning rules and density limits rather than the proposed rules in the Form Based Code. The analysis determined that this Alternative would result in substantially less housing and a somewhat higher number of jobs. It would have lesser impacts on aesthetics, public services, and utilities. It would have greater impacts on air quality, biological resources, cultural and tribal cultural resources, energy, greenhouse gas emissions, noise, and transportation. Impacts on other CEQA topic areas would be about the same.
- The “Greater Residential Growth” alternative (Alternative B) presumes more aggressive housing targets, higher densities, and a higher level of conversion of commercial land to mixed use development or multi-family housing (including sites such as Montecito Shopping Center). This alternative presumes 1,670 more housing units than the project and about 200 fewer jobs. The analysis determined that Alternative B would have lesser environmental impacts on air quality, greenhouse gas emissions, noise, and transportation. It would have greater environmental impacts on cultural and tribal cultural resources, public services and recreation, and utilities and service systems. Impacts on other CEQA topic areas would be about the same.
- The “Lesser Residential Growth” alternative (Alternative C) presumes less aggressive housing targets, fewer commercial sites redeveloping with housing or mixed uses, and population projections that match Plan Bay Area 2040. This alternative presumes 1,455 fewer housing units than the project and about 125 more jobs. The analysis determined that Alternative C would have lesser environmental impacts on aesthetics, cultural and tribal cultural resources, public

services and recreation, and utilities and service systems. It would have greater environmental impacts on air quality, energy, greenhouse gas emissions, and transportation. Impacts on other CEQA topic areas would be about the same.

The evaluation further identified Alternative B as the “environmentally superior” alternative, in that it accommodated more housing, which would theoretically reduce commuting and associated vehicle miles traveled (as well as air quality, noise, greenhouse gas, and transportation impacts).

SUMMARY OF COMMENTS RECEIVED TO DATE

As of Thursday March 3, 2021, the City has received the following letters relating to the EIR:

- Prior correspondence from Ragghianti and Freitas relating to the Downtown Precise Plan (provided to the Planning Commission at their January 26 meeting). While the correspondence relates to the Downtown Precise Plan and Form Based Code, the two letters expressly indicate they should be considered as comments on the EIR.
- A letter from the Transportation Authority of Marin (TAM) generally supporting the General Plan and Downtown Precise Plan and requesting an analysis of consistency of the two plans with TAM’s Congestion Management Program (CMP) as part of the EIR Transportation section.

Additional correspondence is anticipated before the March 9 deadline and will be provided to Commissioners prior to the meeting where possible. Staff has met with San Rafael Heritage several times and has heard from property owners affected by the inventory of historic properties. Written correspondence from organizations and individuals on this topic is expected.

As the Commission is aware, comment letters on the General Plan 2040 and Downtown Precise Plan are being handled separately from the formal CEQA comments. Staff has been preparing written responses to these comments for review and discussion by the Planning Commission as they are received. Responses to a number of letters received in January and February are still underway. These include letters from San Rafael Heritage, Jeffrey Rhoads, Victoria DeWitt, Brian Walsh/ West End Neighborhood Association, and Responsible Growth Marin (on the Economic Vitality Element). Staff will post responses to these comments on the project website as soon as they are completed.

NEXT STEPS

The DEIR has been prepared in accordance with provisions of the State CEQA Guidelines and the City’s Environmental Assessment Procedures Manual. The purpose of the DEIR is to identify a project’s potential impacts on various facets of the environment and identify any mitigation measures that are required to minimize those impacts. The scope of the Commission’s review at the DEIR hearing is to evaluate whether the DEIR adequately assesses all impacts and evaluates a range of alternatives. It is recommended that the Planning Commission accept public comments on the document and direct staff to prepare a Final EIR.

Following the March 9 hearing, the City’s environmental consultant will prepare written responses to all comments, which will be published in a second EIR volume entitled “Final EIR/ Response to Comments.” Once the FEIR is completed, a follow-up review by the Planning Commission will be scheduled, concurrent with a review of the findings. It is anticipated that this hearing will occur during Spring 2021. The exact date will depend on the nature and complexity of Plan comments. Revisions to the General Plan and Downtown Precise Plan will be brought forward concurrently with the Final EIR.

Following the Planning Commissions review and recommendation on the FEIR, the City Council will hold at least one public hearing to consider the FEIR, the General Plan, and the Downtown Precise Plan (including the Form Based Code). The Council will take final action on the project and certification of the FEIR, including adoption of a statement of overriding considerations for the significant, unavoidable impacts.

ATTACHMENTS

The DEIR and all associated comment letters may be found at the following link:

<https://www.cityofsanrafael.org/general-plan-ceqa/>