Draft Initial Study / Proposed Mitigated Negative Declaration

Schoen Park Modifications Project

CITY OF SAN RAFAEL, MARIN COUNTY, CALIFORNIA

Prepared For:

Theo Sanchez
City of San Rafael
Department of Public Works
111 Morphew Street
San Rafael, CA 94901

Prepared By:

WRA, Inc.
2169-G East Francisco Boulevard
San Rafael, California 94901
Contact: Geoff Reilly, AICP
reilly@wra-ca.com

Date: May 2021

ENVIRONMENTAL CONSULTANTS

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BACKGROUND

1. Project Title: Schoen Park Modifications Project

2. Lead Agency and Project Applicant: City of San Rafael
Department of Public Works
111 Morphew Street
San Rafael, California 94901

3. Contact Person and Phone Number: Theo Sanchez
Tel: (415) 458-5326
Email: Theo.Sanchez@cityofsanrafael.org

4. Project Location: On Canal Street near the junction with Spinnaker Point Drive in the City of San Rafael, Marin County, California (see Figures 1 and 2)

5. Surrounding Land Uses and Setting:

The proposed project is located at Assessor's Parcel Numbers (APN) 009-071-08, 009-032-07, 009-142-01, 009-081-44, and 009-081-45. The proposed project limits are on the north side of the street from the intersection of Canal Street/Bahia Way to Spinnaker Point Drive/Portsmouth Cove (Figure 1). Project plans involve the removal of existing park infrastructure and its replacement with additional on-street parking for public use. The project footprint is on City of San Rafael land and does not encroach on other properties. Adjacent parcels contiguous with the project limits are owned by the City of San Rafael and the Marin Audubon Society. The Albert J. Boro Community Center is directly to the north of the site's western edge.

Schoen Park, which resides on 0.15 acres, is located on Canal Street near the junction with Spinnaker Point Drive. The proposed project limits are on the north side of the street from the intersection of Canal Street/Bahia Way to Spinnaker Point Drive/Portsmouth Cove (Figure 2). Adjacent parcels contiguous with the project limits are owned by the City of San Rafael and the Marin Audubon Society. The proposed project is located on 0.75 acres of former marshland.

The zoning district designated for the project site is P/OS and PD-WO (Parks/Open Space Zoning District and Planned Development-Wetland Overlay District). The General Plan land use designation for the site is Conservation and Park, and the land use designations in the project vicinity include Conservation to the north and west, Residential-medium density to the south, and Park to the east.

Sources: National Geographic, WRA | Prepared By: njander, 7/15/2020

Figure 1. Project Site Regional Location Map

Schoen Park Modifications Project
San Rafael, Marin County, California

0 0.25 0.5 Miles

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Sources: Marin County Imagery 2018, WRA | Prepared By: njander, 11/6/2020

Figure 2. Aerial Location Map

Schoen Park Modifications Project
San Rafael, Marin County, California

0 50 100 Feet

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6. Existing System:

In 2017, the City retained a traffic engineering consultant, W-Trans, to evaluate parking conditions within East San Rafael and determine appropriate parking strategies that, if implemented, might relieve or minimize some of the negative impacts associated with high parking demands and low turnover rates. Since the May 2017 study was released, the City has amended applicable sections of the Municipal Code, implemented time limits for on-street parking, and conducted 'after' study analysis to determine the impacts of these changes. While initial results suggest that the City's efforts have contributed to reduced parking occupancy rates, nevertheless, parking demand, especially at night, remains high. In its November 18, 2019 report to the City Council, staff proposed adding parking capacity at several key locations, including Schoen Park. For this reason, the City seeks to repurpose the underutilized park by creating additional on-street parking for public use. Furthermore, in 2019 the City installed new playground equipment at Pickleweed Park, located approximately 800 feet west of the Schoen Park site. Given the close proximity to the major improvements at Pickleweed Park, the City does not desire to make improvements at Schoen Park.

7. Project Description:

Removal of Existing Park Infrastructure

In order to create the space needed for additional on-street parking, all current infrastructure that comprises Schoen Park must be removed. The wooden bench and concrete tiles that make up the recreational area will be removed. In total five trees must be completely removed from the site to facilitate new construction. Two pine trees with 30" diameters and three mulberry trees with 14" diameters will be removed, including all root systems and associated irrigation. All existing signage associated with the park will be removed. The existing curb, gutter, sidewalk, and header board along the northern edge of Canal Street will be sawcut, removed, and disposed. The existing pavement of Canal Street in the project area will be removed and replaced to ensure positive drainage. An existing water meter owned by the Marin Municipal Water District (MMWD) would be terminated by MMWD. Approximately 25 feet of existing chain link fence will be removed. After all of the infrastructure is removed, approximately 650 CY of existing asphalt, base rock, and native soils would be excavated and hauled off site. Figure 3 shows the current condition of the project area and Figure 4 shows the surrounding areas. All removed materials will be disposed of at an offsite location.

Construction of New Parking Area

Upon removal of all existing infrastructure, construction of the new on-street parking area that would result in a total of 46 parking spaces, including one ADA parking pad, will begin. Existing on-street parking consists of 20 parking spaces and thus the proposed project will result in a net increase of 20 parking spaces. The roadway would be widened to accommodate parking areas. To widen the road and create room for the sidewalks and gutters, 380 tons of Class 2 aggregate base rock, 210 tons of permeable HMA and 325 tons of hot mix asphalt mix will be installed.

Concrete construction consists of 168 linear feet of curb and gutter, 444 linear feet of vertical curb, 2,971 square feet of 4-inch thick, 4-foot wide permeable

View 1. View looking north from the middle of the site to the community center.

View 2. View of the wooden bench and exercise equipment in the northern area of the park that will be removed.

View 3. View looking south from the edge of the fencing along the northern border of the park.

View 4: View of the northernmost edge of the site facing northeast.

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Figure 3. Views of Project Site

Schoen Park Modifications Project
San Rafael, Marin County, California

View 1. View of parking along the eastern edge of Canal Street across from Schoen Park.

View 2. View of Tiscornia Marsh looking southeast from the footpath behind Schoen Park

View 3. View of the vacant lot adjacent to Schoen park and the community center.

View 4: View of Starkweather Shoreline Park adjacent to Schoen Park's southern boundary.

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Figure 4. Views of Surrounding Land Uses

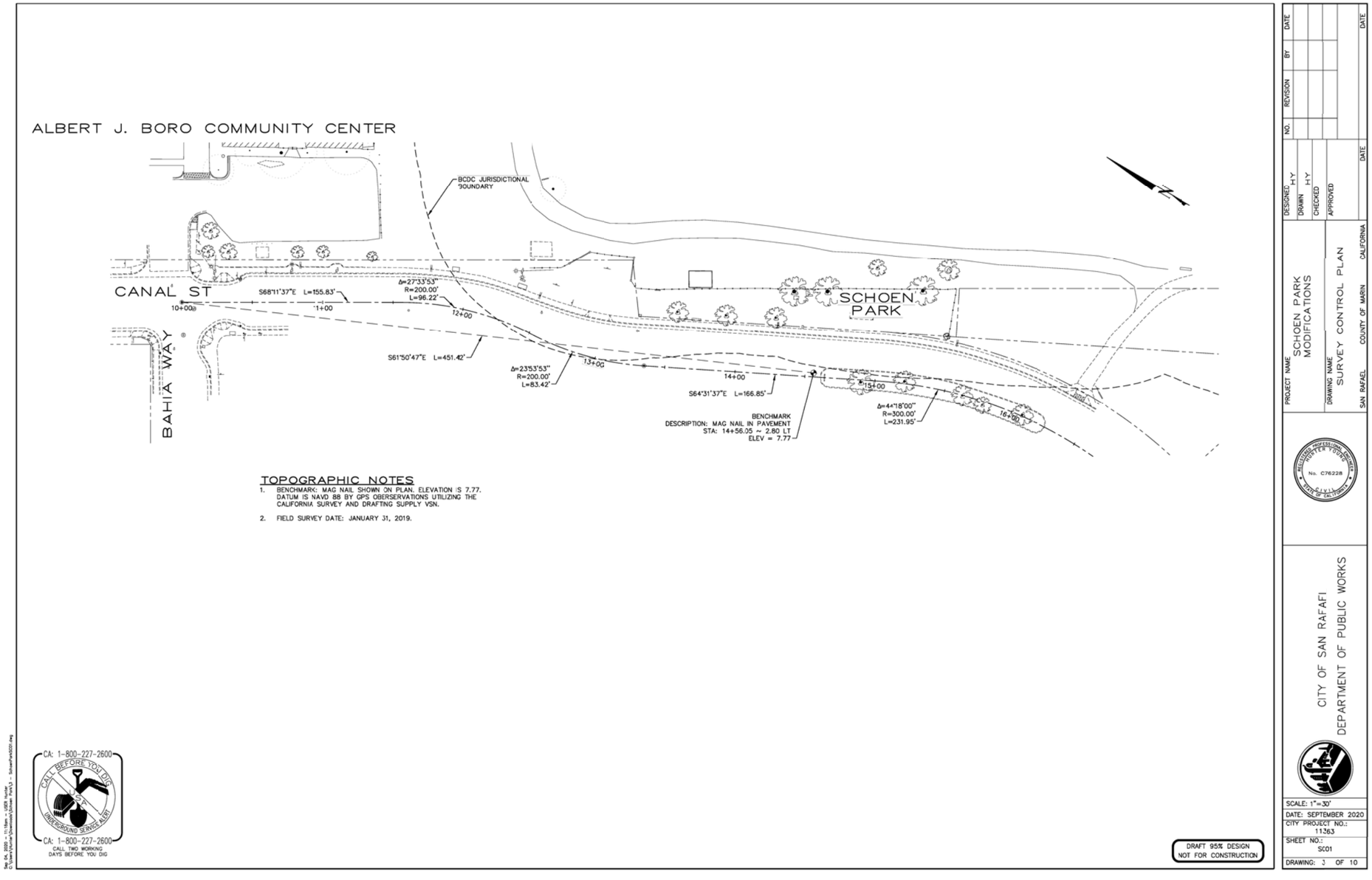
Schoen Park Modifications Project
San Rafael, Marin County, California

concrete sidewalk, 355 linear feet of 8-inch thick valley gutter, and one driveway would be installed. The driveway would cover a 20-foot section of the sidewalk. An approximately 661 square foot section of crushed gravel would be installed northward of the sidewalk portion. Accompanying signage and road striping to designate the new parking area would be installed once the road widening and concrete construction is completed. Three new wooden street light poles with luminaries would be installed. The wood poles do not have a concrete foundation, but they would be installed approximately 6 feet deep. A wooden retaining wall would be constructed along the shoreward side of the sidewalk parallel to the extent of the bioretention basin.

An approximately 841 square foot bioretention facility would be constructed immediately to the west of the western most parking space to compensate for the addition of impermeable surfaces to the project site. The newly constructed gutters would channel stormwater flow to the bioretention basin where it can be filtered and absorbed into groundwater systems. 21 linear feet of 12-inch storm drain pipe would be installed within the permeable soil of the bioretention basin that would channel accumulated runoff into the existing stormwater system. The basin would be revegetated with native vegetation.

One crape myrtle tree would be planted adjacent to the ADA parking stall. The tree would be supported by two tree stakes and will be covered by a 3-inch layer of mulch. Slow release fertilizer tablets would be planted with the tree and a treegator watering bag will be installed to ensure tree growth.

One ADA-style picnic table currently in nearby Pickleweed Park will be relocated to southeastern most extent of the project area on along the Shoreline Park pathway. A new non ADA-style picnic table will be installed adjacent to the ADA parking pad. In total the picnic tables will occupy approximately 271 square feet. Figures 5 through 11 show detail the full construction plans for the project.



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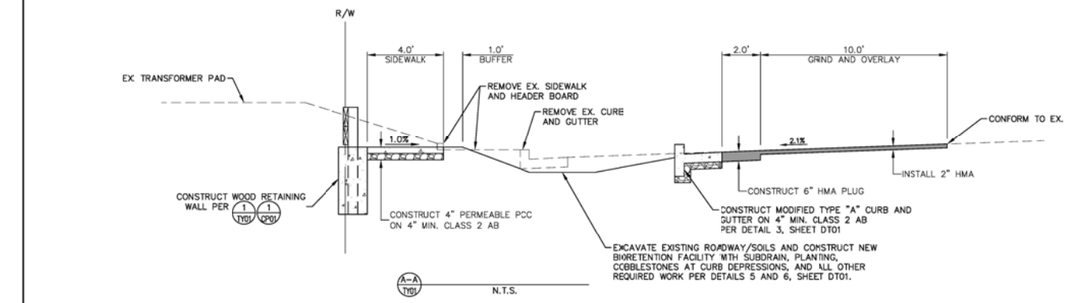
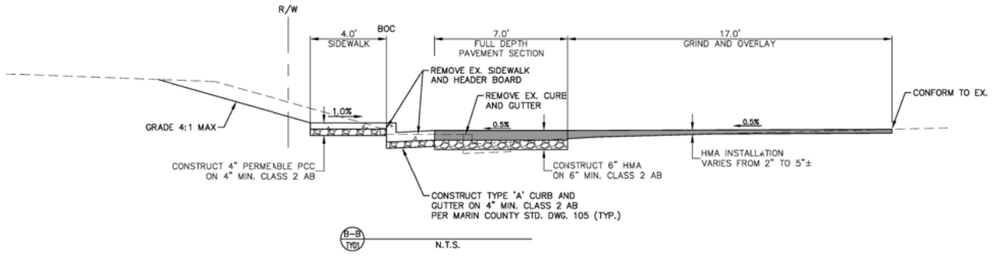
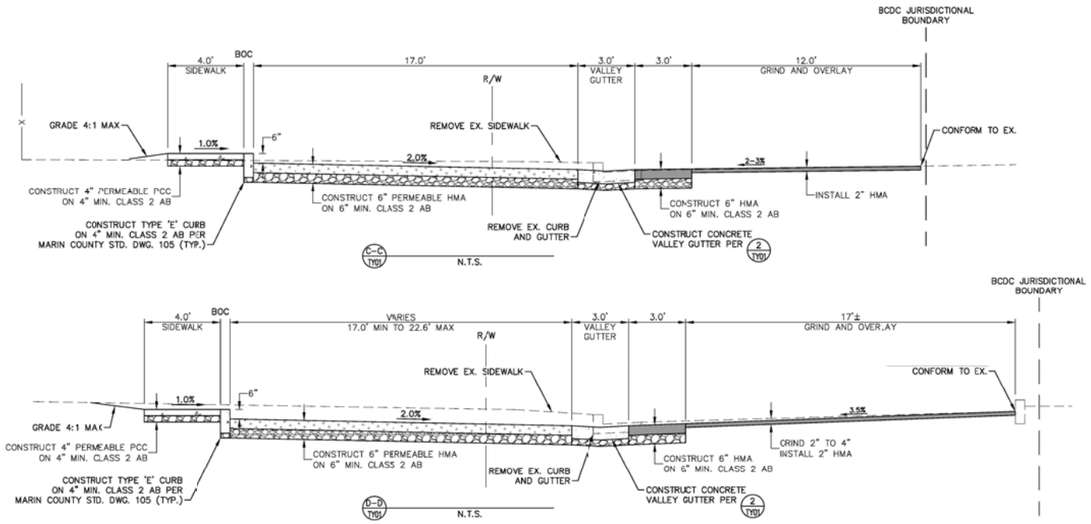
Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 5. Survey Control Plan







NO.	REVISION	BY	DATE

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CHECKED
APPROVED
DATE

PROJECT NAME: SCHOEN PARK MODIFICATIONS
DRAWING NAME: TYPICAL SECTIONS AND DETAILS
SAN RAFAEL COUNTY OF MARIN CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER — No. C76228 — CIVIL — STATE OF CALIFORNIA

CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS

SCALE: N.T.S.
DATE: SEPTEMBER 2020
CITY PROJECT NO.: 11363
SHEET NO.: TY01
DRAWING: 4 OF 10

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Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 6. Typical Sections and Details

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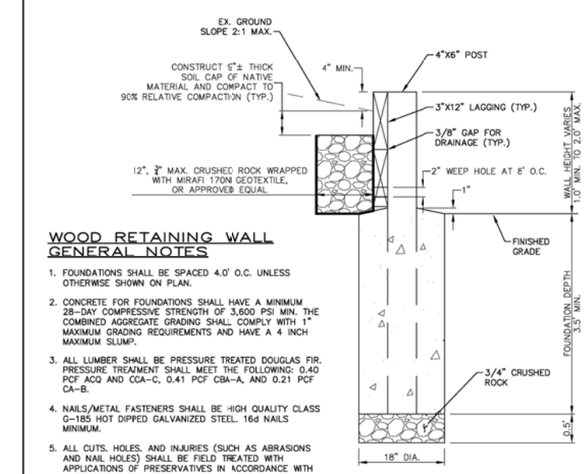
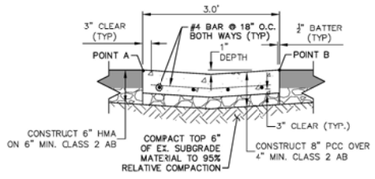


WOOD RETAINING WALL GENERAL NOTES

1. FOUNDATIONS SHALL BE SPACED 4.0' O.C. UNLESS OTHERWISE SHOWN ON PLAN.
2. CONCRETE FOR FOUNDATIONS SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3,600 PSI MIN. THE COMBINED AGGREGATE GRADING SHALL COMPLY WITH 1" MAXIMUM GRADING REQUIREMENTS AND HAVE A 4 INCH MAXIMUM SLUMP.
3. ALL LUMBER SHALL BE PRESSURE TREATED DOUGLAS FIR. PRESSURE TREATMENT SHALL MEET THE FOLLOWING: 0.40 PCF ACQ AND CCA-C, 0.41 PCF CBA-A, AND 0.21 PCF CA-B.
4. NAILS/METAL FASTENERS SHALL BE HIGH QUALITY CLASS G-185 HOT DIPPED GALVANIZED STEEL. 16d NAILS MINIMUM.
5. ALL CUTS, HOLES, AND INJURIES (SUCH AS ABRASIONS AND NAIL HOLES) SHALL BE FIELD TREATED WITH APPLICATIONS OF PRESERVATIVES IN ACCORDANCE WITH AWPA STANDARD M4.

1 / D701 WOOD RETAINING WALL DETAIL
N.T.S.

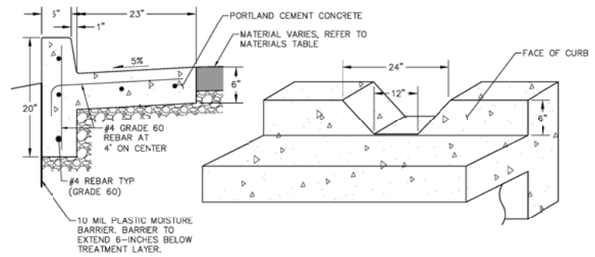


NOTES

1. SEE STD. DWG. 10C OF THE UNIFORM CONSTRUCTION STANDARDS FOR ALL CITIES AND COUNTY OF MARIN, DATED MAY 2008 FOR "FLATWORK" REQUIREMENTS.
2. ASPHALT CONCRETE SHALL BE HELD 1/4" HIGH AT EDGE OF CONCRETE.
3. POINTS A AND B SHALL HAVE THE SAME ELEVATION.

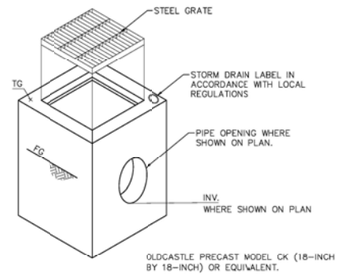
2 / D701 CONCRETE VALLEY GUTTER
N.T.S.

LOCATE CURB DEPRESSIONS WHERE SHOWN ON THESE DRAWINGS AT INTERVALS NOT EXCEEDING 15-FEET ON CENTER.



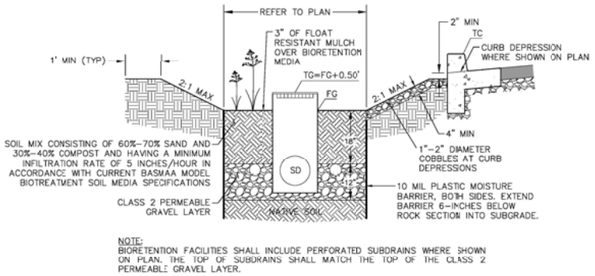
NOTE
PROVIDE WEAKENED PLANE JOINTS 1/8-INCH WIDE AND 1.5-INCH DEEP EVERY 15-FEET. PROVIDE EXPANSION JOINTS EVERY 60-FEET AND AT CHANGES IN DIRECTION. USE 1/1-INCH THICK PREMOLDED JOINT FILLER FULL THICKNESS OF CONCRETE.

3 / D701 CURB DEPRESSION
N.T.S.



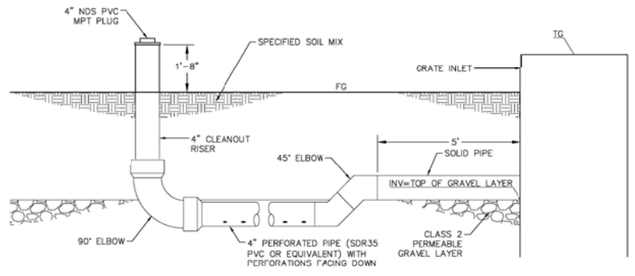
4 / D701 CATCH BASIN
N.T.S.

PROVIDE PLANTING IN ACCORDANCE WITH THE BASMAA POST-CONSTRUCTION MANUAL – DESIGN GUIDANCE FOR STORMWATER TREATMENT AND CONTRO. FOR PROJECTS IN MARIN, SONOMA, NAPA, AND SOLANO COUNTIES (2019).



NOTE:
BIORETENTION FACILITIES SHALL INCLUDE PERFORATED SUBDRAINS WHERE SHOWN ON PLAN. THE TOP OF SUBDRAINS SHALL MATCH THE TOP OF THE CLASS 2 PERMEABLE GRAVEL LAYER.

5 / D701 BIORETENTION FACILITY
N.T.S.



6 / D701 BIORETENTION FACILITY SUBDRAIN
N.T.S.

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NO.	REVISION	BY	DATE

DESIGNED HY
DRAWN HY
CHECKED
APPROVED
DATE

PROJECT NAME: SCHOEN PARK MODIFICATIONS
DRAWING NAME: CONSTRUCTION DETAILS
SAN RAFAEL COUNTY OF MARIN CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER HUNTER YOUNG No. C76228 CIVIL STATE OF CALIFORNIA

CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS

SCALE: N.T.S.
DATE: SEPTEMBER 2020
CITY PROJECT NO.: 11263
SHEET NO.: D701
DRAWING: 5 OF 10

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Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 7A. Construction Details

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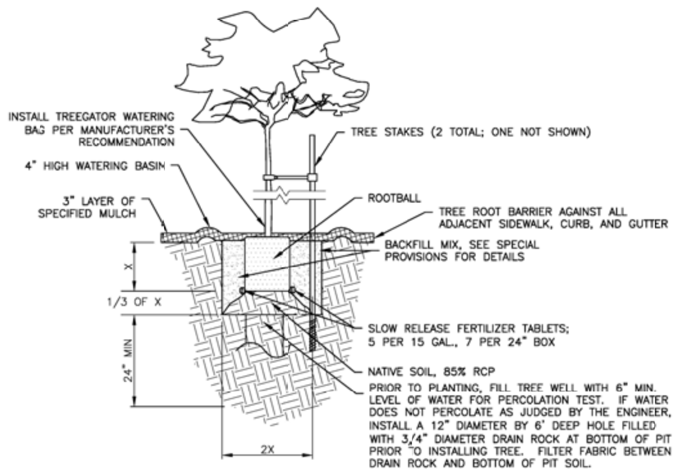

NOTES:

1. SCARIFY WALLS OF PLANTING PIT.
2. SET ROOT CROWN 2" ABOVE SOIL LEVEL.
3. REMOVE ALL NURSERY STAKES.
4. INSTALL TREE STAKES PER MANUFACTURER'S RECOMMENDATIONS.
5. 'X' IS EQUAL TO THE DEPTH OF THE ROOTBALL.

(1/DT02) 'TREE PLANTING IN PLANTER AREA' DETAIL

N.T.S.

PLANTING NOTES: (FOR USE WITH DETAIL 1)

1. CONTRACTOR SHALL MEET ON SITE WITH THE ENGINEER PRIOR TO ANY PLANTING OR SOIL PREPARATION TO REVIEW LAYOUT AND PLANT LOCATIONS.
2. CONTRACTOR SHALL NOTIFY THE ENGINEER IN THE EVENT OF PLANT UNAVAILABILITY IMMEDIATELY AFTER BID AWARD. NO SUBSTITUTIONS WILL BE ACCEPTED WITHOUT PRIOR APPROVAL FROM THE ENGINEER.
3. ALL PLANTS IN A GROUP PLANTING SHALL MATCH IN HEIGHT, CALIPER AND VIGOR TO ASSURE EVEN GROWTH RATES.
4. SOIL PREPARATION SHALL BE COMPLETED PRIOR TO PLANTING. SEE SPECIAL PROVISIONS FOR SOIL PREPARATION REQUIREMENTS.
5. ALL PLANTS SHALL BE INSPECTED BY THE ENGINEER EITHER PRIOR TO DELIVERY OR IMMEDIATELY AFTER DELIVER TO THE JOB SITE. THE ENGINEER RESERVES THE RIGHT TO REJECT ANY PLANT MATERIALS DEEMED UNSUITABLE.
6. TREE PLANTING HEIGHTS: TREES IN OPEN PLANTING AREAS (WITHOUT TREE GRATES) SHALL BE PLANTED WITH THE TOP OF THE ROOTBALL 2" ABOVE GRADE.
7. ALL PLANTING AREAS SHALL RECEIVE A 3" DEPTH LAYER OF SPECIFIED MULCH UNLESS OTHERWISE NOTED. SUBMIT SAMPLE FOR APPROVAL.
8. THE CONTRACTOR SHALL FURNISH AND INSTALL TREE ROOT BARRIER ADJACENT TO ALL FLATWORK. SEE PLANS AND SPECIAL PROVISIONS FOR ADDITIONAL INFORMATION.

DRAFT 95% DESIGN
NOT FOR CONSTRUCTION

NO.	REVISION	BY	DATE

DESIGNED HY
DRAWN HY
CHECKED
APPROVED
DATE

PROJECT NAME: SCHOEN PARK MODIFICATIONS
DRAWING NAME: CONSTRUCTION DETAILS
SAN RAFAEL, COUNTY OF MARIN, CALIFORNIA

No. C76228

CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS

SCALE: N.T.S.
DATE: SEPTEMBER 2020
CITY PROJECT NO.: 11363
SHEET NO.: DT02
DRAWING: 6 OF 10

Path: L:\Acad 2000 Files\30000\30112-1\GIS\ArcMap\PlanSet20200609\PlanSet20200609.aprx

Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 7B. Construction Details

Schoen Park Modifications Project
San Rafael, Marin County, California

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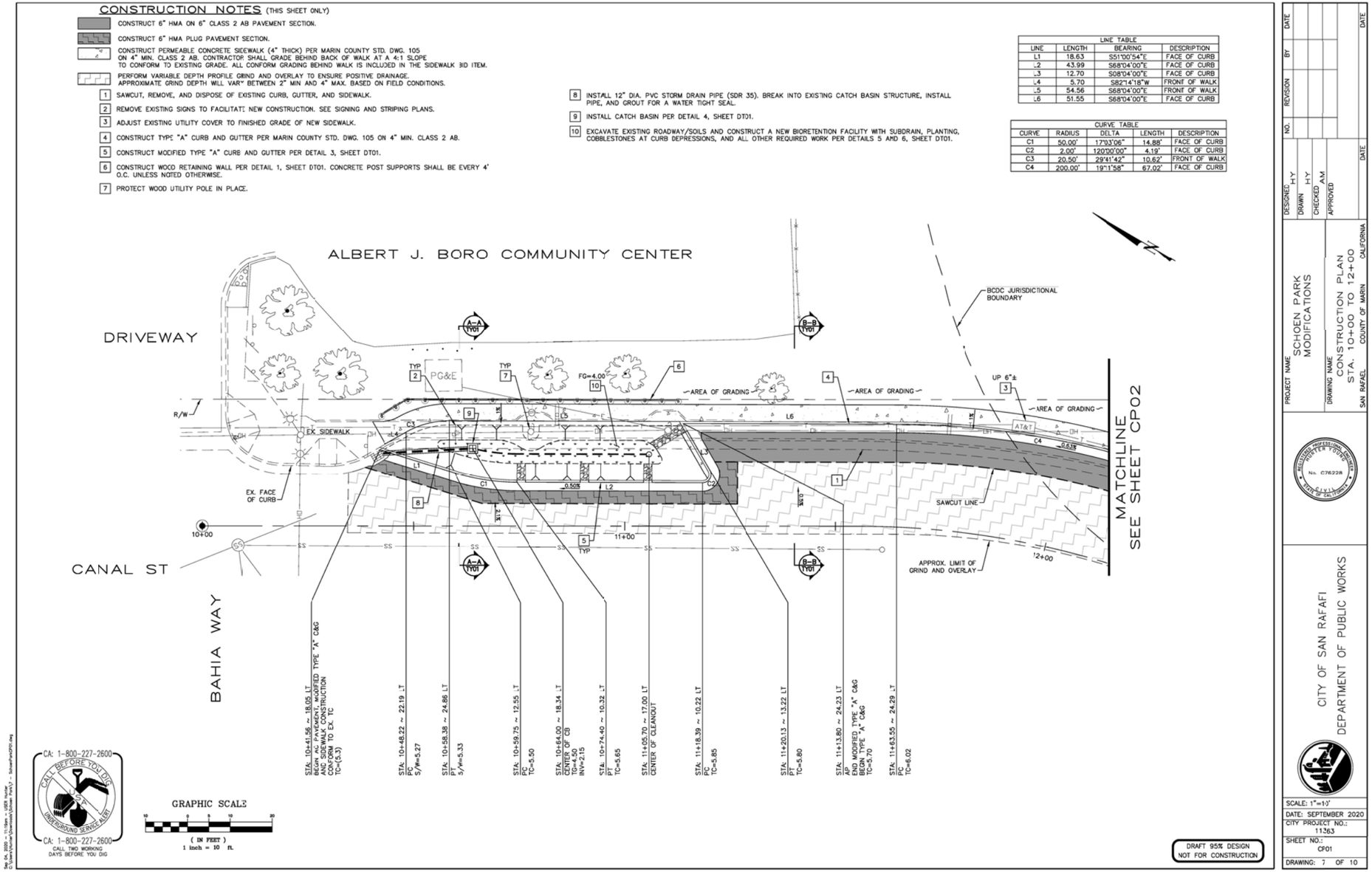

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Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 8. Construction Plan STA 10+00 to 12+00

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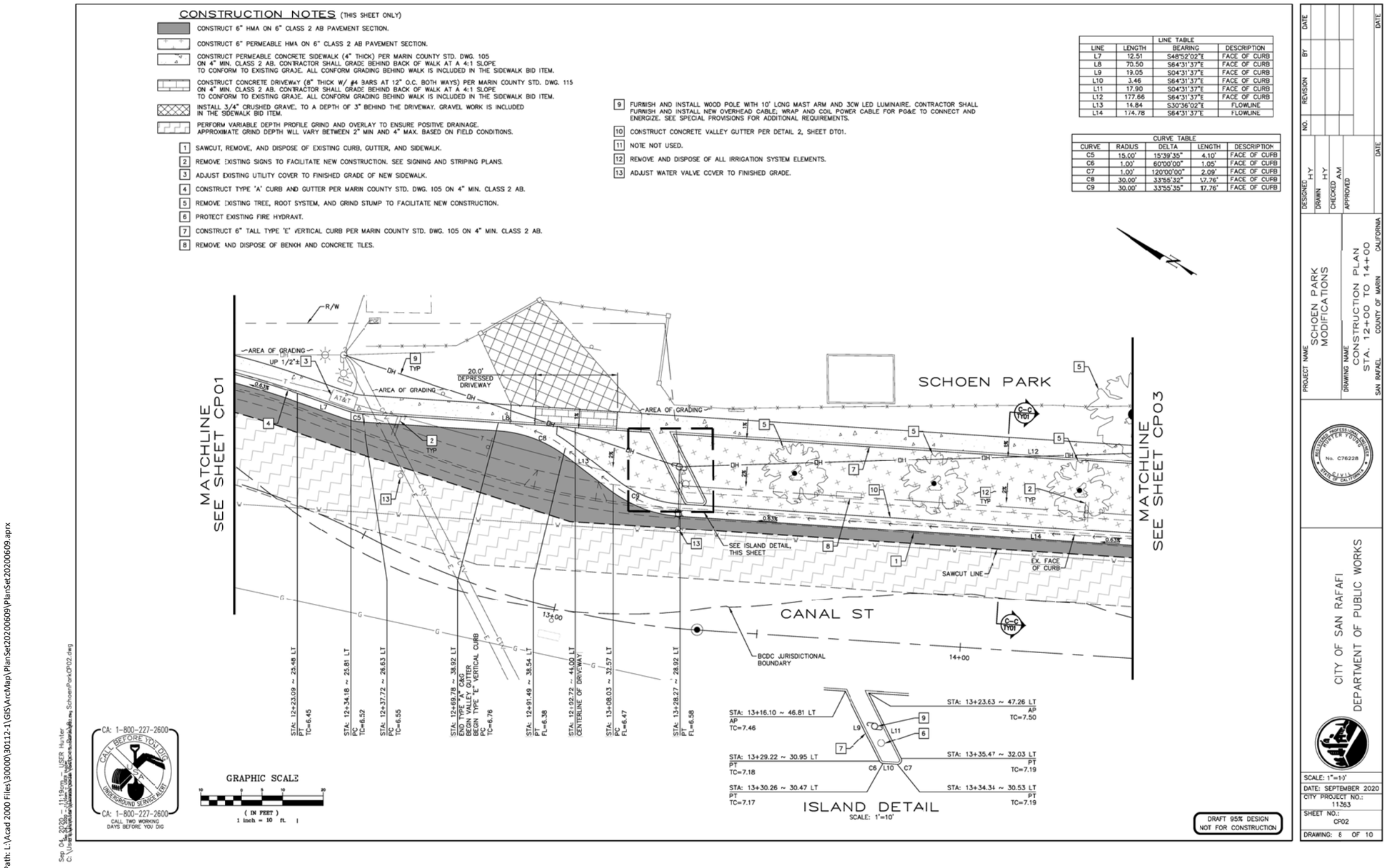

Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 9. Construction Plan STA 12+00 to 14+00

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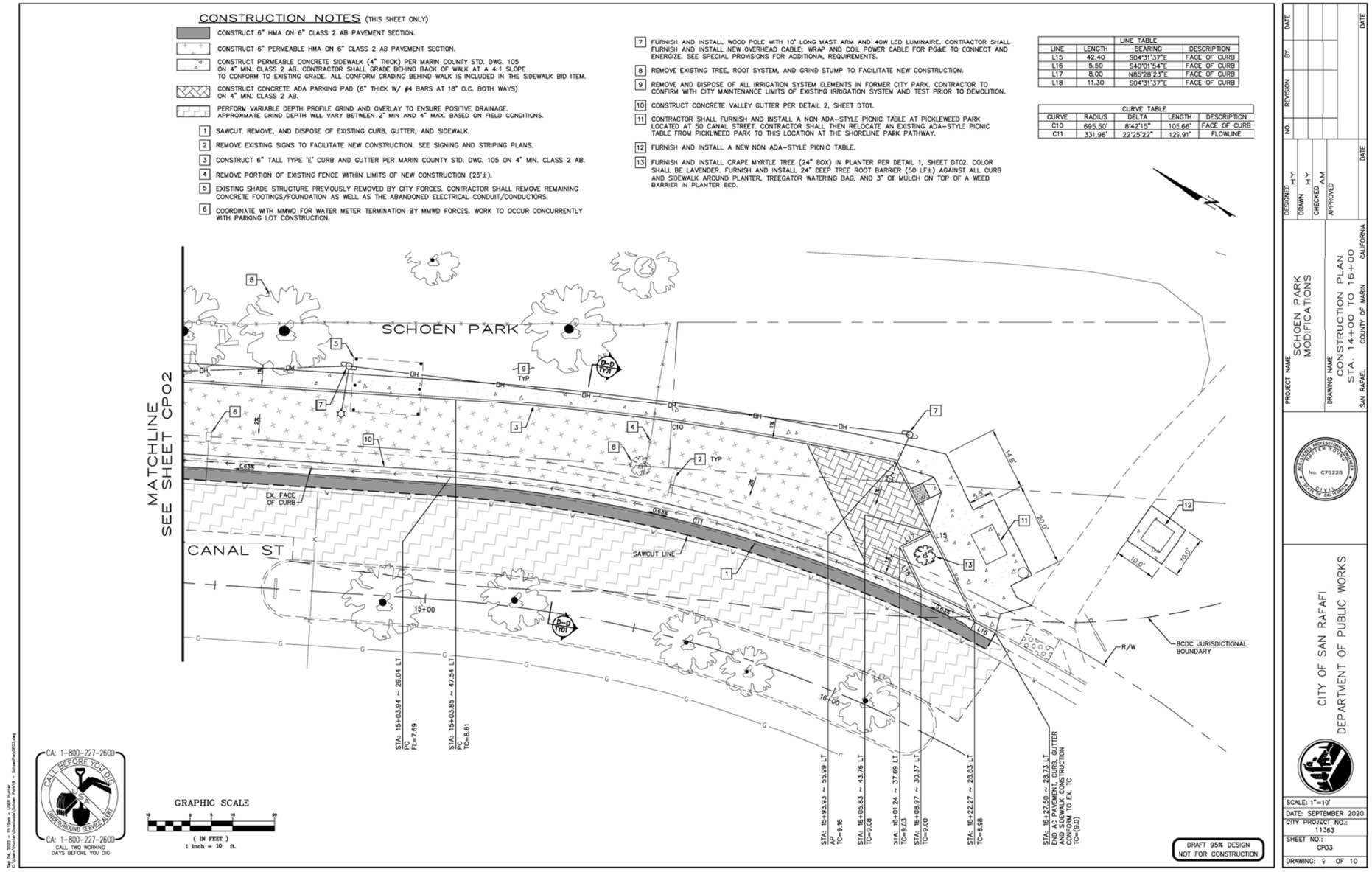

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Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 10. Construction Plan 14+00 to 16+00

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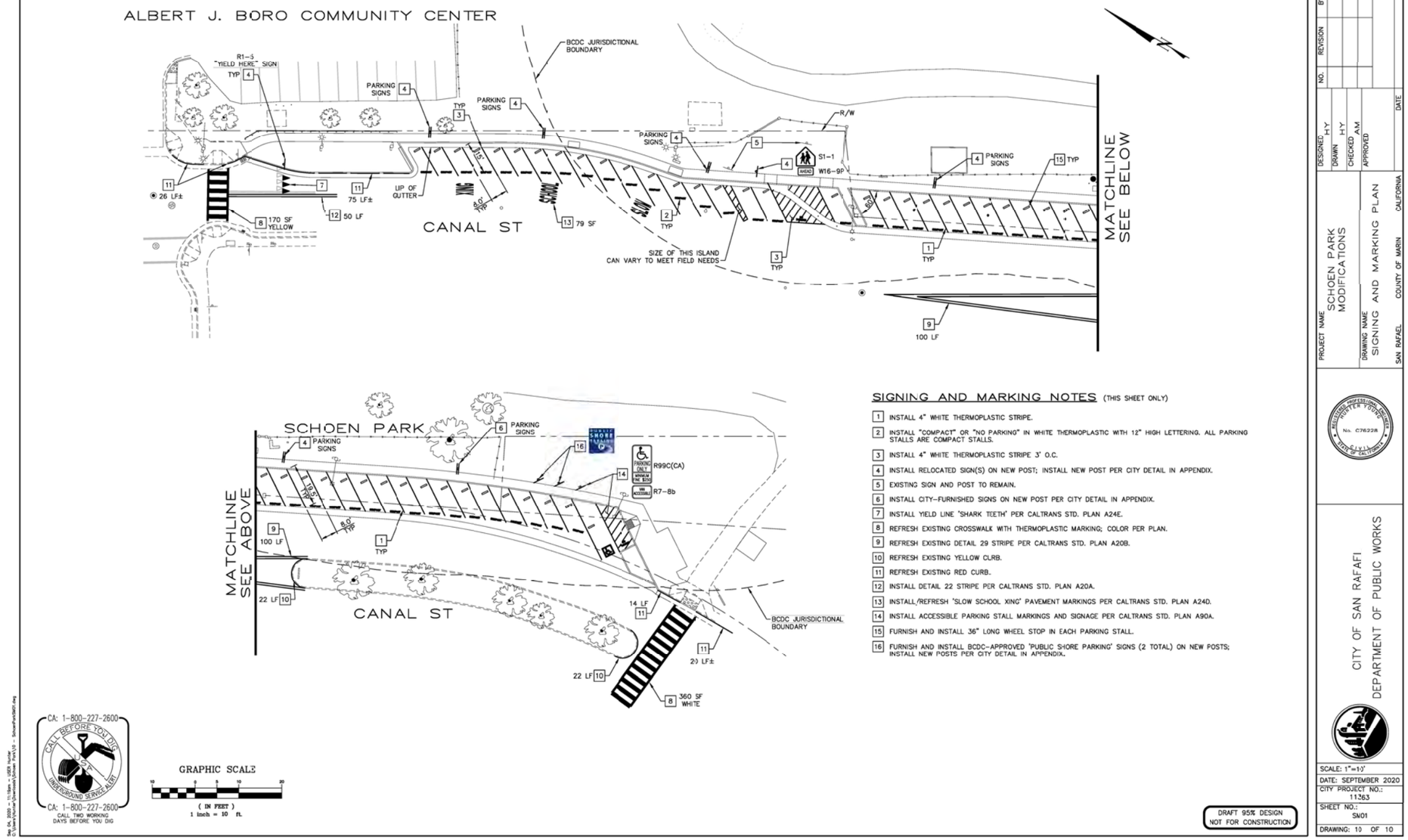

SIGNING AND MARKING NOTES (THIS SHEET ONLY)

1. INSTALL 4" WHITE THERMOPLASTIC STRIPE.
2. INSTALL "COMPACT" OR "NO PARKING" IN WHITE THERMOPLASTIC WITH 12" HIGH LETTERING. ALL PARKING STALLS ARE COMPACT STALLS.
3. INSTALL 4" WHITE THERMOPLASTIC STRIPE 3' O.C.
4. INSTALL RELOCATED SIGN(S) ON NEW POST; INSTALL NEW POST PER CITY DETAIL IN APPENDIX.
5. EXISTING SIGN AND POST TO REMAIN.
6. INSTALL CITY-FURNISHED SIGNS ON NEW POST PER CITY DETAIL IN APPENDIX.
7. INSTALL YIELD LINE 'SHARK TEETH' PER CALTRANS STD. PLAN A24E.
8. REFRESH EXISTING CROSSWALK WITH THERMOPLASTIC MARKING; COLOR PER PLAN.
9. REFRESH EXISTING DETAIL 29 STRIPE PER CALTRANS STD. PLAN A20B.
10. REFRESH EXISTING YELLOW CURB.
11. REFRESH EXISTING RED CURB.
12. INSTALL DETAIL 22 STRIPE PER CALTRANS STD. PLAN A20A.
13. INSTALL/REFRESH 'SLOW SCHOOL XING' PAVEMENT MARKINGS PER CALTRANS STD. PLAN A24D.
14. INSTALL ACCESSIBLE PARKING STALL MARKINGS AND SIGNAGE PER CALTRANS STD. PLAN A90A.
15. FURNISH AND INSTALL 36" LONG WHEEL STOP IN EACH PARKING STALL.
16. FURNISH AND INSTALL BCDC-APPROVED 'PUBLIC SHORE PARKING' SIGNS (2 TOTAL) ON NEW POSTS; INSTALL NEW POSTS PER CITY DETAIL IN APPENDIX.

DRAFT 95% DESIGN NOT FOR CONSTRUCTION

NO.	REVISION	BY	DATE

DESIGNED HY
DRAWN HY
CHECKED AM
APPROVED
DATE

PROJECT NAME: SCHOEN PARK MODIFICATIONS
DRAWING NAME: SIGNING AND MARKING PLAN
SAN RAFAEL COUNTY OF MARIN CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER No. C76228 CIVIL STATE OF CALIFORNIA

CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS

SCALE: 1"=10'
DATE: SEPTEMBER 2020
CITY PROJECT NO.: 11263
SHEET NO.: SN01
DRAWING: 10 OF 10

Path: L:\Acad 2000 Files\30000\30112-1\GIS\ArcMap\PlanSet20200609\PlanSet20200609.aprx

Sources: City of San Rafael Department of Public Works , WRA | Prepared By: njander, 6/26/2020

Figure 11. Signage and Marking Plan

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Staging and Access

The City of San Rafael construction contract specifications would require the construction Contractor to locate the construction staging area on-site. The specifications for this staging area would include, at minimum, the following requirements:

- The staging area will be included in the Contractor's Stormwater Pollution Prevention Plan (SWPPP).
- The staging area will not be located in an environmentally or culturally sensitive area and/or impact water resources (rivers, streams, bays, inlet, lakes, drainage sloughs).
- The staging area will not affect access to properties or roadways.

As this is a City run project, contractors have been allowed to store materials both on and off site. The staging area for the proposed project would be located within the project footprint where Canal Street merges with Spinnaker Point Drive.

Construction

Construction of the proposed project would last for approximately three months. All activities would occur within the existing City right-of-way or on City owned parklands. Construction would require a small to medium size excavator, one skidsteer, two 10-wheeler dump trucks, one 5-ton vibratory roller, one asphalt paving machine, four contractor pick-up trucks, and one small boom truck/crane. The total footprint of all permanent and temporary impacts from the parking area construction with its associated sidewalk, wooden retaining wall, and bioretention basin, as well as installation of new picnic tables, is approximately 27,492 square feet.

At least one week prior to the commencement of work, the Contractor would provide project information signs to notify drivers of the upcoming project and potential traffic delays. Additionally, the City or its contractor would notify and coordinate with law enforcement and emergency service providers prior to the start of construction to ensure minimal disruption to service during construction.

The Bay Area Air Quality Management District (BAAQMD) recommends basic construction measures to ensure minimal impacts on regional air quality. The contractor would be responsible for implementing the following basic measures during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations).
- Clear signage will be provided for construction workers at all access points.

- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications, and all equipment will be checked by a certified visible emissions evaluator.
- A publicly visible sign with the telephone number and person to contact at the lead agency regarding any dust complaints will be posted in or near the project site. The contact person will respond to complaints and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations.

Grading

An estimated total of 650 CY will be removed from the site. Fill will be immediately transported off-site upon excavation.

Parking

The proposed project will add 20 new parking spaces on-site, one of which will be ADA compliant, in addition to the existing 26 parking spaces. Construction vehicles would park in the staging area.

Traffic

Traffic control would conform to the California Manual on Uniform Traffic Control Devices (CAMUTCD), as well as City standard specifications. A single lane closure is expected during work hours. The Contractor would install advance warning signs to alert pedestrians and bicyclists of the work zone. Advance warning signs may be reflective signs, changeable message boards, cones, and/or barricades. The work would be limited to 7:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise approved in writing by the Director of Public Works. Work on Saturdays between 7:00 A.M. to 5:00 P.M. may be necessary to complete the project before any nesting season begins.

Utilities

The project site includes a PG&E utility pole and a Marin Municipal Water District water meter. The utility pole would remain unaltered while the water meter will be removed.

Tree Loss

Five trees would be removed during the construction of the on-street parking area. Standard avoidance and minimization measures would be implemented to ensure the project complies with all applicable City regulations regarding tree removal.

8. Other Public Agencies Whose Approval May Be Required:

The information contained in this Initial Study will be used by the City of San Rafael (the California Environmental Quality Act [CEQA] Lead Agency) as it considers whether or not to approve the proposed project. If the project is approved, the Initial Study, as well as the associated Mitigated Negative Declaration (MND) would be used by the City and responsible and trustee agencies in conjunction with various approvals and permits. These actions include, but may not be limited to, the following approvals by the agencies indicated:

City of San Rafael

- City Council Approval

San Francisco Bay Conservation and Development Commission

- McAteer-Petris Act, San Francisco Bay Plan

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is potentially significant unless mitigation is incorporated, as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas	☐	Public Services
☐	Agricultural Resources	☐	Hazards/Hazardous	☐	Recreation
☐	Air Quality	☐	Hydrology/Water	☐	Transportation
☒	Biological Resources	☐	Land Use/Planning	☒	Tribal Cultural Resources
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities and Service Systems
☐	Energy	☒	Noise	☐	Wildfire
☐	Geology/Soils	☐	Population/Housing	☒	Mandatory Findings of Significance

Determination:

On the basis of this initial evaluation:

☐ I find that the project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the project MAY have a "Potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: May 21, 2021

Name/Title: Theo Sanchez, Associate Civil Engineer, City of San Rafael Department of Public Works

INITIAL STUDY CHECKLIST

This section describes the existing environmental conditions in and near the project area and evaluates environmental impacts associated with the proposed project. The environmental checklist, as recommended in the CEQA Guidelines (Appendix G), was used to identify environmental impacts that could occur if the proposed project is implemented. The right-hand column in the checklist lists the source(s) for the answer to each question. The cited sources are identified at the end of this section.

Each of the environmental categories was fully evaluated, and one of the following four determinations was made for each checklist question:

- **"No Impact"** means that no impacts to the resource would occur as a result of implementing the project.
- **"Less than Significant Impact"** means that implementation of the project would not result in a substantial and/or adverse change to the resource, and no mitigation measures are required.
- **"Less than Significant with Mitigation Incorporated"** means that the incorporation of one or more mitigation measures is necessary to reduce the impact from potentially significant to less than significant.
- **"Potentially Significant Impact"** means that there is either substantial evidence that a project-related effect may be significant, or, due to a lack of existing information, could have the potential to be significant.

I.	**AESTHETICS** — Except as provided in Public Resources Code Section 21099, would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1, 2
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐	1
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1, 2, 3

Environmental Setting

Aesthetic resources are often referred to as visual resources because these resources are often plainly visible to the general public. Certain high-quality visual resources are protected such as those in parklands, ridgelines, scenic vistas, and scenic highways. A Scenic Vista is typically defined as a broad panoramic overview of a landscape, often from an elevated perspective, that can be viewed by the public.[1] Highways or roadways are listed by the California Department of Transportation (Caltrans), or by local jurisdictions and counties as state or county Scenic Highways.[2] Visual character or quality is the arrangement of all visual features (i.e., anything

[1] *California Department of Transportation, "Landscape Architecture and Community Livability," accessed January 2, 2020, https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability.*

[2] *California Department of Transportation, "Scenic Highways – Frequently Asked Questions," accessed January 2, 2020, https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2.*

visible, such as trees, hills, houses, sky, water, towers, roads, power lines, etc.) in a view.[3] The arrangement of visible features on the ground produces the visual character of a site and its surroundings.

There are no designated scenic highways in Marin County. Portions of Highway 101, State Route (SR) 1, and SR-37 are eligible for listing[4]. The project site is not located along any eligible portion of these highways. The San Rafael General Plan Community Design Element, Policy CD-5 states that new construction should, "Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay Wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways." The proposed parking area is beneath a berm on the top of which there are extensive views of Bay Wetlands at Tiscornia Marsh. However, the berm is not located within the area of disturbance. All work will be conducted below the berm, so views of the Bay will not be affected.

Existing land uses adjacent to the project site consist of residential, park, and conservation. The San Francisco Bay Trail runs along the San Rafael Bay directly adjacent to the northeast of the site. The trail is on top of the berm mentioned above. Trail goers will be able to see into the project site, but the site will not impede views of the Bay. Community members utilizing the Albert J. Boro Community Center directly to the northwest of the site will be able to view project activities. Residents in the homes on the southern side of Canal Street opposite the project site will mostly have their view of the site obscured by tall vegetation. Homes along Portsmouth Cove may potentially view the site. Motorists will be able to view the project site as the site is directly adjacent to and includes sections of Canal Street. Existing sources of nighttime light in the project area include vehicle headlights, residential security lighting, and street lamps on the southern edge of Canal Street. Existing sources of glare are mainly limited to automobile windshields and reflective building materials.

Discussion of Impacts

a) ***Less than Significant Impact.*** The scenic vista from the San Francisco Bay Trail which is directly adjacent to the project site will be temporarily impacted by project activities. While views of the Bay will not be obstructed by project activities, the addition of construction equipment adjacent to the trail might temporarily detract from the scenic view. Since cars currently park along the street, the presence of additional cars as a result of

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[3] *U.S. Department of Transportation, Federal Highway Administration, "Guidelines for the Visual Impact Assessment of Highway Projects," January 2015, https://www.environment.fhwa.dot.gov/env_topics/other_topics/VIA_Guidelines_for_Highway_Projects.aspx#chap54.*

[4] *California Department of Transportation, "List of Officially Designated County Scenic Highways," July 2019, https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed June 19, 2020.*

increased parking spaces will not change the visual character of the sight in the long term. Since the view will only be temporarily affected, the impact will be less than significant.

b) ***Less than Significant Impact.*** Five trees will be removed in order to convert the underutilized park into on-street parking. One new tree will be planted during the parking area construction. However, since the project area is not within a state scenic highway, there will be no impact.

c) ***Less than Significant Impact.*** There is the potential for temporary impacts to the existing visual quality of the surrounding area during construction and long term impacts due to tree removal. Potential public views of the project site come from motorists traveling on Canal Street and people utilizing the San Francisco Bay Trail. Recreationists using the Bay Trail will be able to view the project site since the trail is elevated above the site. Construction equipment will not block views of the Bay for recreationists. Temporary visual impacts could therefore result from the presence of construction vehicles or ground disturbance during project construction activities. However, construction activities would be temporary. The permanent development of the site would transform the area from parkland into parking spaces. The current park area does not support vegetation other than the trees that will be removed. None of the vegetation that comprises the marsh habitat around the Bay Trail would be affected by project activities. The visual character of the parking area will be consistent with that of Canal Street. The proposed parking area does not consist of, nor would it block, any of the City-designated scenic views as described in the San Rafael General Plan. Impacts would be less than significant.

d) ***Less than Significant Impact.*** Construction of the proposed project would not create a significant source of light or glare during daytime. Three new street lamps will be installed to light the new parking area. Currently there are operational street lamps on the southern side of Canal Street. The proposed additional street lamps will provide more illumination to the street, but will be in keeping with the aesthetic quality of the neighborhood. Additionally, headlights from cars pulling into the parking spaces will provide a new light source impacting a different angle than cars passing by on the street. The levee that protects Canal Street from inundation from the marsh will provide a light barrier. Light from the car headlights will not intrude into the marsh. This will allow nighttime views of the scenic marsh to be maintained. The impact of the additional street lamps and headlights would be less than significant.

II.	**AGRICULTURAL AND FORESTRY RESOURCES** — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	5
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	2, 4
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	2
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1

e)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use??	☐	☐	☐	☒	1, 2

Environmental Setting

The project site does not contain any farmland or forestry land and is not designated for agricultural or forestry uses or Prime, Statewide, or Locally Important Farmland (California Department of Conservation, 2020). The proposed project is located in residential and commercial areas and follows existing roads. Surrounding land is developed with residential, park, and conservation uses.

Discussion of Impacts

a-e) ***No Impact.*** There are no agricultural or forestry resources within the project site. There are no Prime, Unique, Statewide or Locally Important farmlands in the area. The project site is not under a Williamson Act Contract, nor is the project zoned as forest land or timber production. The project would be confined nearly entirely to the existing park footprint and all work and staging would take place on City of San Rafael land. No impacts to agricultural or forestry resources would occur.

III.	**AIR QUALITY** — Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,11
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐	1,11
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,11
d)	Result in other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☒	☐	1,11

Environmental Setting

The project site is in the San Francisco Bay Area air basin, where air quality is monitored and regulated by the Bay Area Air Quality Management District (BAAQMD). Ambient concentrations of key air pollutants in the Bay Area have decreased considerably over the course of the last several decades. Air pollution is generated by anything that burns fuel (including but not limited to cars and trucks, construction equipment, backup generators, boilers and hot water heaters, barbeques and broilers, gas-fired cooking ranges and ovens, fireplaces, and wood-burning stoves), almost any evaporative emissions (including the evaporation of gasoline from service stations and vehicles, emissions from food as it is cooked, emissions from paints, cleaning solvents, and adhesives, etc.), and other processes (fugitive dust generated from roadways and construction activities, etc.).

A sensitive receptor is generally defined as a location where human populations, especially children, seniors, and sick persons, are located where there is a reasonable expectation of continuous human exposure to air pollutants. These typically include residences, hospitals, and schools. The site is surrounded by residential, park, and conservation land uses.

The Bay Area is currently classified as “attainment” or “unclassifiable” with respect to every National Ambient Air Quality Standard (NAAQS) except ozone and fine particulate matter $PM_{2.5}$,

for which it is still classified as "nonattainment"[5]. Ozone concentrations in the Bay Area have also decreased considerably over the last several decades, but NAAQS are required to be set to be protective of public health "allowing an adequate margin of safety" and have also become more stringent. Prior to 2008, attaining the ozone NAAQS required that the "design value" --i.e., the peak 8-hour average concentration on the 4th-worst day of the year (averaged over three consecutive years) --be below 0.08 parts per million (ppm); the Bay Area was classified as "marginal" nonattainment with respect to that standard.[6] In 2015, the ozone NAAQS was revised to 0.070 ppm. The Bay Area has not met this standard.

The State of California also has its own ambient air quality standards (CAAQS) which are equivalent to or more stringent than the NAAQS; the Bay Area is currently classified as nonattainment with respect to the CAAQS for ozone, particulate matter smaller than 10 microns (PM_{10}), and "fine" particulate matter smaller than 2.5 microns ($PM_{2.5}$).[7]

Discussion of Impacts

a) ***Less Than Significant Impact.*** Construction activities would result in short-term increases in emissions from the use of heavy equipment that generates dust, exhaust, and tire-wear emissions; soil disturbance; materials used in construction; and construction traffic. Project construction would produce fugitive dust (PM_{10} and $PM_{2.5}$) during ground disturbance and would generate carbon monoxide, ozone precursors, and other emissions from vehicle and equipment operation. BAAQMD released a Clean Air Plan for the Bay Area in 2010, which would be the applicable air quality plan for the proposed project. Best management practices (BMPs) recommended by BAAQMD and identified in the project construction plans would be implemented during construction to minimize fugitive dust. Parking area development activities would mainly take place within an existing developed or disturbed footprint. Construction emissions would be temporary, lasting approximately three months, and would not have long-term effects on air quality in the Bay Area. Because of the small area of disturbance, temporary nature of the emissions, and implementation of construction measures, impacts on air quality would be less than significant and would comply with the Bay Area 2010 Clean Air Plan.

b) ***Less Than Significant Impact.*** As discussed under item a), the project would result in minor construction-related emissions. It would not result in a cumulatively considerable net increase of any criteria pollutant. The additional vehicles in the area when the parking

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[5] *Bay Area Air Quality Management District (BAAQMD), 2017a. Air Quality Standards and Attainment Status. Available at https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Last Updated January 5, 2017. Accessed June 2020.*

[6] *The Bay Area Air Quality Management reported that the maximum 8-hour ozone concentration only exceeded the standard once in 2005 and once in 2007, but exceeded the standard on 12 days in 2006.*

[7] *Bay Area Air Quality Management District (BAAQMD), 2017a. Air Quality Standards and Attainment Status. Available at https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Last Updated January 5, 2017. Accessed June 2020.*

lot is functional will not result in a considerable increase in pollutants. The cars that will be parking at the site are not additional cars to the area. The parking lot is aiming to solve parking congestion in other areas of the City. The parking improvements will only be redistributing cars within the City. The project would cause short-term air quality impacts as a result of construction activities; however, it would not result in long-term or cumulatively considerable increases in air quality pollutant emissions for which the Bay Area is currently in non-attainment (ozone and particulate matter). Implementation of BAAQMD BMPs would ensure that the temporary increase in air pollutant emissions associated with construction activities would result in less than significant contributions to cumulative pollutant levels in the region.

c) ***Less Than Significant Impact.*** The primary sensitive receptors in the vicinity are residents, which may include children, elderly people, or people with respiratory illnesses. Sensitive receptors located in close proximity to several locations adjacent to the construction area could be exposed to temporary air pollutants from construction activities, such as fugitive dust, ozone precursors, and carbon monoxide. The duration of construction activities would be limited. Basic construction measures recommended by BAAQMD would be implemented during construction to minimize air pollutants. New construction equipment has been subject to increasingly stringent emissions requirements at the Federal level (e.g., 40 CFR 89 and 1039), designated “Tier 1”, “Tier 2”, “Tier 3”, etc.; older construction equipment is subject to potential retrofit requirements required by the State of California (13 CCR 2449, 13 CCR 2450-2466, and 17 CCR 93116). As a result, sensitive receptors in the vicinity of the project would not be exposed to substantial pollutant concentrations, and impacts would be less than significant.

d) ***Less Than Significant Impact.*** Construction activities would involve the use of gasoline or diesel-powered equipment that emits exhaust fumes. These activities would take place intermittently throughout the workday, and the associated odors are expected to dissipate within the immediate vicinity of the work area. Persons near the construction work area may find these odors objectionable. However, the proposed project would not include uses that have been identified by BAAQMD as potential sources of objectionable odors, such as restaurants, manufacturing plants, landfills, and agricultural and industrial operations. The infrequency of the emissions, rapid dissipation of the exhaust and other odors into the air, and short-term nature of the construction activities would result in less-than-significant odor impacts. The impact of cars parking in the additional spaces will also produce a less than significant impact. Currently, cars park along Canal Street and travel through the area. The increase in odor from the few additional cars will be negligible.

IV. **BIOLOGICAL RESOURCES** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*	*Source*
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1, 6
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1, 2
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1

Regulatory Setting

Special-Status Species

Special-status species that require evaluation in CEQA documentation include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and those that are formal candidates for listing. The federal Bald and Golden Eagle Protection Act also provides broad protections to both eagle species that are roughly analogous to those of listed species. Additionally, CDFW Species of Special Concern, CDFW California Fully Protected species, USFWS Birds of Conservation Concern, and CDFW Special-status Invertebrates are all considered special-status species. Bat species are also evaluated for conservation status by the Western Bat Working Group (WBWG), a non-governmental entity; bats named as a "High Priority" or "Medium Priority" species for conservation by the WBWG are typically considered special-status and also considered under CEQA. In addition to regulations for special-status species, most native birds in the United States (including non-status species) are protected by the Migratory Bird Treaty Act of 1918 (MBTA) and the California Fish and Game Code (CFGC), i.e., sections 3503, 3503.5 and 3513. Under these laws, deliberately destroying active bird nests, eggs, and/or young is illegal.

Plant species included within the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (Inventory) with California Rare Plant Rank (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA. Very few Rank 3 or Rank 4 plant species meet the definitions of Section 1901 Chapter 10 of the Native Plant Protection Act or Sections 2062 and 2067 of the CDFW Code that outlines CESA. However, CNPS and CDFW strongly recommend that these species be fully considered during the preparation of environmental documentation relating to CEQA. This may be particularly appropriate for the type locality of a Rank 4 plant, for populations at the periphery of a species range or in areas where the taxon is especially uncommon or has sustained heavy losses, or from populations exhibiting unusual morphology or occurring on unusual substrates.

Sensitive Biological Communities

Sensitive biological communities include habitats that fulfill special functions or have special values, such as wetlands, streams, or riparian habitat. These habitats are protected under federal regulations such as the Clean Water Act; state regulations such as the Porter-Cologne Act, the CDFW Streambed Alteration Program, and CEQA; or local ordinances or policies such as city or county tree ordinances, Special Habitat Management Areas, and General Plan Elements.

Waters of the United States

The U.S. Army Corps of Engineers (Corps) regulates "Waters of the United States" under Section 404 of the Clean Water Act. Waters of the U.S. are defined in the Code of Federal Regulations (CFR) as waters susceptible to use in commerce, including interstate waters and wetlands, all

other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high water mark (OHWM). Other waters, for example, generally include lakes, rivers, and streams. The placement of fill material into Waters of the U.S generally requires an individual or nationwide permit from the Corps under Section 404 of the Clean Water Act.

Waters of the State

The term "Waters of the State" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The Regional Water Quality Control Board (RWQCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the Corps under Section 404. Waters of the State are regulated by the RWQCB under the State Water Quality Certification Program which regulates discharges of fill and dredged material under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Projects that require a Corps permit, or fall under other federal jurisdiction, and have the potential to impact Waters of the State, are required to comply with the terms of the Water Quality Certification determination. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to Waters of the State, the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements.

San Francisco Bay and Shoreline

The San Francisco Bay Conservation and Development Commission (BCDC) has regulatory jurisdiction, as defined by the McAteer-Petris Act, over the Bay and its shoreline, which generally consists of the area between the shoreline and a line 100 feet landward of and parallel to the shoreline. Within the Project Area, BCDC has two areas of jurisdiction: San Francisco Bay and the Shoreline Band. Definitions of these areas, as described in the McAteer-Petris Act (PRC Section 66610), are given below.

> **San Francisco Bay:** all areas that are subject to tidal action from the south end of the Bay to the Golden Gate (Point Bonita-Point Lobos) and to the Sacramento River line (a line between Stake Point and Simmons Point, extending northeasterly to the mouth of Marshall Cut), including all sloughs, and specifically, the marshlands lying between mean high tide and five feet above mean sea level;

tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide).

Shoreline Band: all territory located between the shoreline of San Francisco Bay as defined above and a line 100 feet landward of and parallel with that line, but excluding any portions of such territory which are included in other areas of BCDC jurisdiction, provided that the Commission may, by resolution, exclude from its area of jurisdiction any area within the shoreline band that it finds and declares is of no regional importance to the Bay.

Other Sensitive Biological Communities

Other sensitive biological communities not discussed above include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the CDFW; formerly the California Department of Fish and Game [CDFG]). The CDFW ranks sensitive communities as "threatened" or "very threatened" and keeps records of their occurrences in its California Natural Diversity Database (CNDDB).[8] Sensitive plant communities are also identified by CDFW (CDFG 2003, 2007, 2009). CNDDB vegetation alliances are ranked 1 through 5 based on NatureServe's (2010) methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or U.S. Fish and Wildlife Service (USFWS) must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G). Specific habitats may also be identified as sensitive in city or county general plans or ordinances.

Environmental Setting

The proposed project footprint, as described in the Project Description, encompasses the area where planned activities would occur, including the existing extent of Schoen Park and sections of the northern side of Canal Street. The project area is a 0.79-acre area situated at the base of a slope created from infill that was placed between 1968 and 1987 (Historical Aerials 2018[9]). The entire area was diked in the mid 1950's.

The project footprint is located between the paved portion of Canal Street on ruderal vegetation on the infill soil that occurs below a berm separating the developed area from the naturally occurring muted salt marsh vegetation within the diked baylands. The majority of the project area is composed of biological communities typically located on degraded or impacted natural areas, a result of past and present disturbance including maintenance of park infrastructure (mowing and other vegetation disturbance), infill, and the effects of urbanization. The biological

[8] *California Department of Fish and Wildlife, 2020. California Natural Diversity Data Base (CNDDB). RareFind 5. Natural Heritage Division, California Department of Fish and Game. Sacramento, California. Accessed: July 2020.*

[9] *Historical Aerials. 2018. Available at: https://www.historicaerials.com/*

communities present in the area are developed and ruderal/non-native. Developed areas consist of the footprint of current recreational equipment, sidewalks, and paved roads in the project area. All other areas are considered to be ruderal/non-native. The ruderal areas are dominated by non-native annual grasses such as wild oat grass (*Avena* barbata) and bare ground. There is evidence of mowing throughout the ruderal area. The project lies within the 100-foot shoreline band under the jurisdiction of BCDC. There are no sensitive biological communities or jurisdictional waters within the project area.

Special-Status Species

Plants

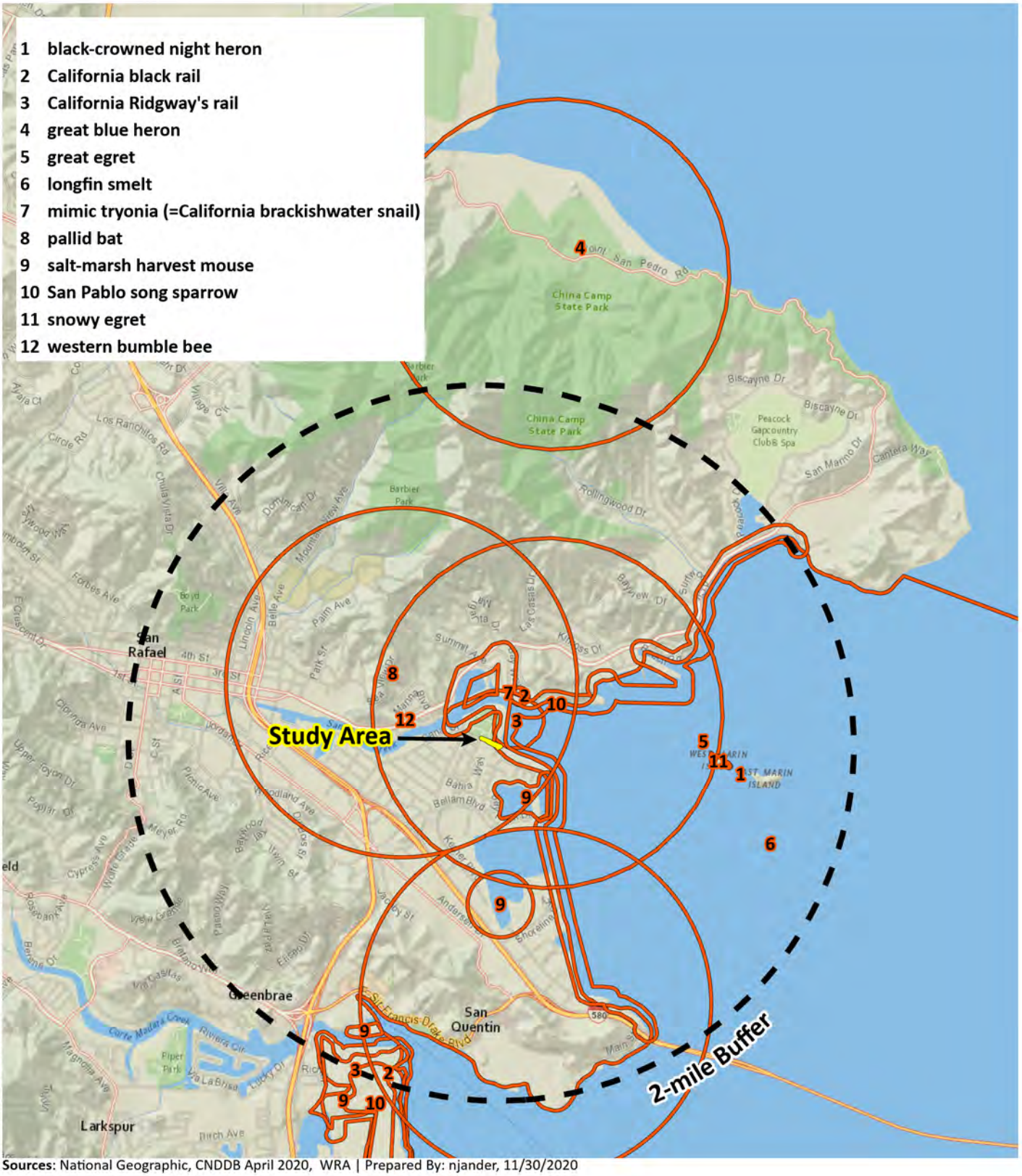
Based upon a review of the resources and databases listed below in the methods section, it was determined that 64 special-status plant species have been documented in the vicinity of the project area. The majority of the project area has been extensively disturbed or is dominated by ruderal/non-native vegetation and developed areas. These communities are unlikely to support special-status plant species due to presence of aggressive non-native annual and perennial plant species which likely preclude special-status plants. Based on assessment of biological communities present within the project area, no special status plants are determined to have potential to occur within it.

Wildlife

Twenty-four special-status species of wildlife have been recorded in the vicinity of the Biological Study Area in the California Natural Diversity Database.[10] Twenty-two of the species have little to no potential to occur within the project area due to lack of suitable habitat. The remaining species, salt marsh harvest mouse (*Reithrodontomys raviventris*), California ridgway's rail (*Rallus obsoletus obsoletus*), and California black rail (*Laterallus jamaicensis coturniculus*) have a potential to occur in the marshlands adjacent to the project site, but not within the site itself. All of these species have been sited within a mile of the project site (Figure 12). The species with potential to occur nearby are discussed further below. Nesting birds also have the potential to occur within the project area.

Salt marsh harvest mouse; Federal Endangered Species, State Endangered, CDFW Fully Protected Species. The salt-marsh harvest mouse (SMHM) is a relatively small rodent found only in suitable salt and brackish marsh habitat in the greater San Francisco Bay, San Pablo Bay, and Suisun Bay areas. This species has been divided into two subspecies: the northern SMHM (*Reithrodontomys raviventris halicoetes*) which lives in the brackish marshes of the San Pablo and Suisun bays, and the southern SMHM (*R. r. raviventris*) which is found in the marshes of San Francisco Bay. The project area occurs near the presumed boundary between the northern and subspecies, likely within the range of the southern subspecies, though the exact location of the

[10] *California Department of Fish and Wildlife. 2020. California Natural Diversity Data Base (CNDDB). RareFind 5. Natural Heritage Division, California Department of Fish and Game. Sacramento, California. Accessed: July 2020.*



Sources: National Geographic, CNDDB April 2020, WRA | Prepared By: njander, 11/30/2020

Figure 12. Special-Status Wildlife Species Documented within 2-miles of the Study Area

Schoen Park Modifications Project
San Rafael, Marin County, California

0 0.5 1 Miles

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boundary and whether the two subspecies hybridize are both unknown.[11] The southern subspecies generally persists in smaller and more isolated populations relative to the northern subspecies, as most of the marshes of the South San Francisco Bay are narrow, strip-like marshes and thus support fewer SMHM compared to marshes in the northern portions of the species' range.[12] Northern marshes also tend to be more brackish, and have a more diverse assemblage of vegetation, thus the northern subspecies is more likely to occur in habitats that are not dominated by pickleweed, which dominates habitat in the southern range.[13]

The SMHM was last recorded within a mile of the project area in 1995.[14] The pickleweed vegetation that the species requires is not found within the project area, but is found in the marsh directly to the north of the project area. The SMHM is unlikely to make its primary home in the project area, but it could pass through the area while moving among suitable habitat areas.

California Ridgway's (clapper) rail (*Rallus obsoletus obsoletus*), Federal Endangered, State Endangered, CDFW Fully Protected Species. The California Ridgway's rail (CRR), formerly known as California clapper rail (*R. longirostris obsoletus*), is the resident Ridgway's/clapper rail subspecies of northern and central California. Although more widespread in the past, it is currently restricted to the San Francisco Bay estuary. The California Ridgway's rail occurs only within salt and brackish marshes. According to Harvey (1988), Shuford (1993) and Eddleman and Conway (1998), important California Ridgway's rail habitat components are: 1) well-developed tidal sloughs and secondary channels; 2) beds of cordgrasss (*Spartina* spp.) in the lower marsh zone; 3) dense salt marsh vegetation for cover, nest sites, and brooding areas; 4) intertidal mudflats, gradually sloping banks of tidal channels, and cordgrass beds for foraging; 5) abundant invertebrate food resources; and 6) transitional vegetation at the marsh edge to serve as a refuge during high tides. In south and central San Francisco Bay and along the perimeter of San Pablo Bay, California Ridgway's rail typically inhabits salt marshes dominated by pickleweed and cordgrasss. Brackish marshes supporting California Ridgway's rail occur along major sloughs and rivers of San Pablo Bay and along tidal sloughs of Suisun Marsh. Nesting occurs from March through July, with peak activity in late April to late May (DeGroot 1927, Harvey 1980, Harvey 1988). California Ridgway's rail nests, constructed of wetland vegetation and platform-

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[11] *Smith, Katherine R, Melissa K Riley, Laureen Barthman–Thompson, Mark J Statham, Sarah Estrella, and Douglas Kelt. 2018. Towards Salt Marsh Harvest Mouse Recovery: Research Priorities. San Francisco Estuary and Watershed Science 16, no. 2.*

[12] *U.S. Fish and Wildlife Service. 2010. Five Year Review for the Salt Marsh Harvest Mouse (Reithrodontomys raviventris). U.S. Fish and Wildlife Service. Sacramento, CA.*

[13] *Smith, Katherine R, Melissa K Riley, Laureen Barthman–Thompson, Isa Woo, Mark J Statham, Sarah Estrella, and Douglas A Kelt. 2018. Towards Salt Marsh Harvest Mouse Recovery: A Review. San Francisco Estuary and Watershed Science 16, no. 2*

[14] *California Department of Fish and Wildlife. 2020. California Natural Diversity Data Base (CNDDB). RareFind 5. Natural Heritage Division, California Department of Fish and Game. Sacramento, California. Accessed: July 2020.*

shaped, are placed near the ground in clumps of dense vegetation, usually in the lower marsh zone near small tidal channels (DeGroot 1927, Evens and Page 1983, Harvey 1988).

The project area does not contain tidal wetland vegetation to support California Ridgway's rail. However, Tiscornia Marsh, directly north of the project area, contains wetland vegetation consisting primarily of *Spartina* that experiences heavy tidal influence and at low tide provides suitable foraging habitat for California Ridgway's rail. The vast majority of the marsh within 700 feet (the standard California Ridgway's rail nesting disturbance threshold) of the Study Area is low-lying and receives regular inundation with the tides. Additionally, there are few upland areas above the tide line to support nesting, and these areas generally do not contain wetland vegetation or provide much cover to support nesting.

California black rail; State Threatened, CDFW Fully Protected Species, USFWS Bird of Conservation Concern. The California black rail is the resident black rail subspecies that occurs in California coastal salt and brackish marshes from Bodega Bay to Morro Bay, with additional populations known from freshwater marshes near or in the northern Sierra Nevada foothills.[15][16] According to a published analysis by Spautz et al. (2005), important habitat elements for this species within the San Francisco Bay estuary are: 1) emergent marsh dominated by pickleweed (*Salicornia pacifica*), marsh gumplant (*Grindelia stricta*), bulrush (Scirpus maritimus), rushes (*Juncus* spp.), and/or cattails (*Typha* spp.); 2) high density of vegetation below four inches in height; 3) high marsh elevation with transitional upland vegetation; 4) large total area of contiguous marsh; 5) proximity to a major water source; and, 6) isolation from disturbance. This species feeds primarily on invertebrates. Black rails are extremely secretive and very difficult to glimpse or flush; identification typically relies on voice. Nests are placed on the ground in dense wetland vegetation.

The California black rail was last documented within a mile of the project area in 2012. The project area itself does not support any of the vegetation the species requires for habitat, but many of these plant species are found directly adjacent to the project area in Tiscornia Marsh. There is potential for the black rail to occur in the marsh.

Nesting Birds. Within the Biological Study Area, native birds may nest on the ground, in shrubbery, and in the trees that are slated to be removed. Most native birds have baseline protections under the federal Migratory Bird Treaty Act of 1918 (MBTA) as well as the California Fish and Game Code (CFGC). Under these laws/codes, the intentional killing, collecting or trapping of covered species, including their active nests (those with eggs or young), is prohibited.[17]

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[15] *Eddleman, W.R., R.E. Flores and M. Legare. 1994. Black Rail (Laterallus jamaicensis), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell.edu/bna/species/123.*

[16] *Richmond, O.M., J. Tecklin, and S.R. Beissinger. 2008. Distribution of California Black Rails in the Sierra Nevada Foothills. J. of Field Ornithology 79(4): 381-390.*

[17] *The U.S. Department of the Interior recently issued guidance clarifying that the MBTA only applies to intentional/deliberate killing, harm or collection of covered species (including active nests) (USDOI 2017). According*

Work in the project area could lead to damage or mortality to nests, or disturbance of adults leading to abandonment of nests.

Methods

Prior to the site visit, background literature was reviewed to determine the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species. Resources reviewed for sensitive vegetation communities and aquatic features include aerial photography, mapped soil types, the California Native Plant Society (CNPS) Online Database (2020a[18]), the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB, CDFW 2020[19]), and the US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPac) database (USFWS 2020[20]). For database queries, the San Rafael and San Quentin 7.5-minute quadrangles were included as the focal search area (USGS 1980[21]).

On May 28, 2020, a WRA biologist conducted a field assessment of the project area to evaluate the potential presence of sensitive vegetation communities and aquatic features and to evaluate on-site habitats to determine the potential for occurrence of special-status plant and wildlife species. Observed plant communities, aquatic features, and plant and wildlife species were noted. Site conditions were noted as they relate to habitat requirements of special-status plant and wildlife species known to occur in the vicinity as determined by the background literature research.

The project area was assessed in terms of potential biological resources impacts on the redevelopment project. This analysis was performed to a level of detail necessary to understand what types of major biological impacts are likely to be associated with the proposed project activities.

Discussion of Impacts

a) ***Less than Significant with Mitigation Incorporated***. Noise, ground disturbance, and other construction activities could cause a temporary disturbance to salt-marsh harvest mouse (SMHM), California ridgway's rail and California black rail, federal and state-protected endangered species, with the potential to occur in the marshlands adjacent to

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to the guidance, unintentional impacts to birds/nests that occur within the context of otherwise lawful activities are not MBTA violations. However, ambiguity remains regarding application of the CFGC, as well as the extent to which minimization and avoidance measures are still required under the MBTA. Additionally, challenges to the Opinion are anticipated.

[18] California Native Plant Society. 2020a. Online Rare Plant Inventory. Available at: http://rareplants.cnps.org/

[19] California Dept. of Fish and Wildlife California Natural Diversity Database. CDFW 2020. Available at: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data

[20] US. Fish and Wildlife Service. 2020. Information for Planning and Consultation. Available at: https://ecos.fws.gov/ipac/

[21] U.S. Geologic Society.1980. San Rafael 7.5-Minute Topographic Quadrangle.

the project area. Implementation of the avoidance and minimization measures listed in Mitigation Measure BIO-1 would reduce construction phase impacts to SMHM to less than significant. Implementation of the avoidance and minimization measures listed in Mitigation Measure BIO-2 would reduce construction phase impacts to CRR and black rail. The operational phase of the project would have a less than significant effect on special status species in the area. The presence of parked cars would not be significantly different from the current baseline of cars parked along the street. The effects of the more direct angle of light shining into the marsh are canceled by the berm that ascends higher than a car's headlights.

Mitigation Measure BIO-1: Mitigation measures for avoidance and minimization of effects to SMHM shall be incorporated into the permits or required authorizations and specifications, which the project proponent shall follow. The following avoidance and minimization measures are required:

1. A qualified biological monitor (i.e., biologist whose credentials for SMHM monitoring have been previously approved by the USFWS) shall be present on-site during all vegetation removal and initial ground-disturbing work in these areas. The biological monitor shall document compliance with the permit conditions and all take avoidance and minimization measures. The monitor(s) shall have the authority to halt construction, if necessary, if there is the potential for a listed species to be harmed or when non-compliance events occur. The biological monitor(s) shall be the contact person for any employee or contractor who might inadvertently kill or injure a listed species, or anyone who finds a dead, injured, or entrapped listed species.

2. If any mouse is observed at any time during construction, work shall not be initiated or shall be stopped immediately by the biological monitor until the mouse leaves the vicinity of the work area of its own accord. The biological monitor or any other persons at the site shall not pursue, capture, or handle any mouse observed.

3. Night work is not anticipated and shall be avoided to the fullest extent feasible. If night work is necessary, all lighting shall be directed away from marsh and wetland areas to avoid impacting the natural behavior of SMHM.

4. All vehicles and heavy equipment stored outside of exclusion fencing and in the vicinity of suitable SMHM habitat shall be checked for mice before work commences each morning.

5. When construction activities are to take place in potential SMHM habitat (emergent marsh and upland areas within 50 feet of emergent marsh), vegetation removal in work areas shall be performed to remove cover and render these areas unattractive to SMHM.

   a. Only non-motorized equipment or hand-held motorized equipment (i.e., string trimmers) shall be used to remove the vegetation.

   b. Vegetation shall be cut in at least two passes: with the first pass cutting vegetation at approximately half of its height above the ground (mid-canopy) and the next

pass, or subsequent passes, cutting vegetation to ground-level or no higher than 1 inch.

c. The biological monitor shall inspect areas of vegetation removal immediately prior to the initiation of removal to search for SMHM and "flush" small mammals out of the area and toward adjacent marsh areas that will not be subject to removal. If any mouse is observed, work shall be stopped immediately by the biological monitor until the mouse leaves the vicinity of the vegetation removal of its own accord.

d. Vegetation removal shall start in the position furthest from the highest quality and most accessible SMHM habitat outside of the work area, and progress toward that habitat, such that SMHM are protected to the greatest degree possible as they move out of the focal area.

e. Cut vegetation shall be removed from the exclusion area (work area) so that no cut vegetation remains there once the exclusionary fence is installed, to discourage SMHM from being attracted to the area.

f. All non-native, invasive vegetation removed shall be discarded at a location outside of any marsh areas to prevent reseeding.

6. Following completion of vegetation removal, temporary exclusionary fencing shall be installed to isolate work areas and prevent SMHM from entering work areas during construction.

a. The fencing shall be installed between suitable habitat areas (e.g., salt marsh) and the defined work area (or areas) adjacent to suitable habitat immediately following vegetation removal and prior to the start of construction/excavation activities. The fencing should be installed along the upland edge of the Bay Trail for the portions of the project area directly adjacent to the marsh. The fence should extend from the edge of the parking lot at the Albert J. Boro Community Center to the walkway along the eastern edge of the project area. When the fencing reaches the walkway, it should turn south west and follow the walkway until it reaches the road.

b. The fence shall consist of a non-textured, slick material that does not allow SMHM to pass through or climb, or silt fence with slick tape (or an effectively similar material) a minimum of 6 inches wide fixed to the fence to render it non-climbable. The bottom should be buried to a depth of at least 4 inches so that animals cannot crawl under the fence. Fence height should be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet.

c. Fence posts should be placed facing the work area side (i.e., vegetation-cleared side) and not the side of the fencing facing intact habitat areas. The fencing shall be installed under the supervision of a biological monitor.

d. The biological monitor shall routinely inspect exclusionary fencing to ensure that it remains intact and effective. Fencing deficiencies noted shall be immediately reported to the contractor and repaired promptly.

***Mitigation Measure BIO-2*:** If construction work is between February 1 and August 31, protocol-level surveys for California Ridgway's rail shall be conducted to determine the extent and location of nesting California Ridgway's rail. Results of protocol breeding surveys shall be submitted to the USFWS for a determination of whether work proposed within 700 feet of a California Ridgway's rail nest (or the activity center of vocalizing rails) discovered during such surveys should be rescheduled to occur during the period from September 1 to January 31. If no California Ridgway's rails are observed during protocol surveys during a given year, the USFWS typically allows construction to occur adjacent to California Ridgway's rail habitat during the breeding season of the same year.

b) ***No Impact.*** The proposed project is not located within any riparian habitat or sensitive natural community. The areas that will be impacted are described as previously developed or ruderal/non-native. No riparian or sensitive natural vegetation will be removed, so there will be no impact.

c) ***No Impact.*** The proposed project is located adjacent to Tiscornia Marsh, a salt marsh along the San Francisco Bay. The marsh is separated from the project area by a levee. No wetlands occur within the project area. There will be no direct impact to the marsh through removal, filling, hydrological interruption or other means. There will be no impact to wetlands in this manner.

d) ***Less than Significant with Mitigation Incorporated.*** The project would not impede the movement of a native resident or migratory fish or wildlife species, as drainage patterns and topographic features would not be changed. However, the project has the potential to temporarily impede the use of native wildlife nursery sites during the construction phase by damaging bird nests and causing injury or mortality to eggs or chicks, or disturbance of nesting adults resulting in reduced clutch survival or nest abandonment. Implementation of Mitigation Measures BIO-3 would ensure that impacts to native wildlife nursery sites are less than significant during the construction phase. One new tree will be planted in the project area which would have the potential to support future nesting birds during the operational phase.

Mitigation Measure BIO-3: Mitigation measures for avoidance and minimization of effects to nesting birds shall be incorporated into the permits or required authorizations and specifications, which the project proponent shall follow. For the avoidance of impacts to native nesting birds protected by the MBTA and CFGC, the following avoidance and minimization measures are proposed as a part of the permit applications:

1. Project activities shall be initiated to the extent feasible, outside of the nesting season. The nesting season is defined here as being from February 1 to August 31 and therefore work shall commence between September 1 and January 31.

2. If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.

3. If nests are identified, a no-disturbance buffer shall be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive. Buffers typically range from 25 feet to 500 feet depending on the species.

e) ***Less than Significant.*** The City of San Rafael provides for the protection of street trees along any public street, sidewalk or walkway in the city (Ord. 972 § 2, 1970; Ord. 865 § 2, 1966: Ord. 609). If a protected tree must be removed or impacted, it would be replaced in accordance with the municipal code. The trees slated for removal as part of the project do not qualify as street trees and as such do not need to be replaced. Tree removal as a result of project implementation would not conflict with any local provisions for tree protection, and less than significant impacts are anticipated.

f) ***No Impact.*** No state, regional, or federal habitat conservation plans or Natural Community Conservation Plans have been adopted for the project site.

V.	**CULTURAL RESOURCES** — Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒	1,2,13
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐	1,2,13
c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,2,13

The following analysis of cultural resource impacts is based on a report compiled by Alta Archaeological Consulting in November 2020, which is available for review at the City of San Rafael Public Works Department by qualified individuals only due to the confidential nature of the report. Sources consulted for the report included a records search with the Northwest Information Center (NWIC), review of historic registers and maps, literature review, and a field survey.

Environmental Setting

The project area is situated within the Coast Range geologic province.[22] The northern Coast Ranges are a geologic province comprised of numerous rugged north-south trending ridges and valleys that run parallel to a series of faults and folds. Formation of these ranges is generally attributed to events associated with subduction of the Pacific Plate beneath the western border of North America. The bedrock that underlies the region is a complex assemblage of highly deformed, fractured, and weathered sedimentary, igneous, and metamorphic rocks. The bedrock geology of the project area consists of Jurassic-Cretaceous age Franciscan Formation rock (Schoenherr 1995:7). Rocks of this formation, the oldest in the area, are often weakly metamorphosed, and consist of greywacke shale interspersed with discontinuous bodies of ultramafic rock such as greenstone, schist, and serpentine. The repeated folding and faulting is reflected in the complex structure of Franciscan rocks and area topography (Schoenherr 1995:265).

The project area is situated on a wetland flat bordering the San Rafael Bay on the north side of the San Quentin Peninsula. The vegetation community surrounding the project area consists mainly of high grasses with sparse deciduous forest. Common hardwood trees in the region include California bay laurel (*Umbellularia californica*), Valley oak (*Quercus lobata*), Interior live

[22] *Jenkins, O.P. 1969. Geologic map of California. California Division of Mines and Geology, Sacramento.*

oak (*Quercus wislizeni*), and Coast live oak (*Quercus agrifolia*). Softwoods include Coast redwood (*Sequoia sempervirens*) and Monterey pine (*Pinus radiata*). Throughout the North Coast Ranges, many trees imported into the region have thrived, particularly blue-gum eucalyptus *(Eucalyptus globulus*) (Little 1980). The project area is situated in the southern portion of highly-developed San Rafael. The parcel is surrounded on three sides by industrial parks and housing developments.

Regulatory Setting

Federal and state criteria have been established for the determination of historical resource significance as defined in National Register (NR) criteria contained in National Register Bulletin 16 (U.S. Department of the Interior 1986:1) and for the purposes of CEQA under Section 5024.1(g) of the Public Resource Code and Section 15064.5 of the State CEQA Guidelines.

The NHPA applies to certain projects undertaken requiring approval by federal agencies. Property owners, planners, developers, as well as State and local agencies are responsible for complying with NHPA's requirements regarding the identification and treatment of historic and prehistoric cultural resources. Under NHPA, cultural resources must be evaluated to determine their eligibility for listing in the NR. If an archaeological resource is determined ineligible for listing on the NR, then the resource is released from management responsibilities and a project can proceed without further cultural resource considerations. Similarly, the CEQA applies to certain projects undertaken requiring approval by State and/or local agencies. Under CEQA, cultural resources must be evaluated to determine their eligibility for listing in the California Register of Historic Resources (CRHR). If a cultural resource is determined ineligible for listing on the CRHR the resource is released from management responsibilities and a project can proceed without further cultural resource considerations.

The Schoen Park Modification Project was evaluated for eligibility for listing on the NRHP per the four criteria established in 36 CFR 60.4: Criteria for evaluation and for listing on the CRHR per Sections 15064.5 (b), 21083.2, and 21084.1 of the Public Resource Code (PRC) and the CEQA Guidelines (California Code of Regulations Title 14, Section 15064.5).

As set forth in Title 36, Part 63 of the Code of Federal Regulations, for a cultural resource to be deemed significant under the NHPA and thus eligible for listing on the NR, it must meet at least one of the following criteria:

(A) associated with events that have made a significant contribution to the broad patterns of our history; or

(B) associated with the lives of persons significant in our past; or

(C) embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) yielded, or may be likely to yield, information important in prehistory or history.

Furthermore, in order to be considered eligible for listing on the NR, a property must retain aspects of integrity, or its ability to convey its historical significance. These aspects are as follows: Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

As set forth in Section 5024.1(c) of the Public Resources Code for a cultural resource to be deemed "important" under CEQA and thus eligible for listing on the California Register of Historic Resources (CRHR), it must meet at least one of the following criteria:

(1) is associated with events that have made a significant contribution to the broad patterns of California History and cultural heritage; or
(2) is associated with the lives of persons important to our past; or
(3) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic value; or
(4) has yielded or is likely to yield, information important to prehistory or history.

Archaeological resources are commonly evaluated with regard to Criteria D/4 (research potential).

Historic-era structures older than 50 years are most commonly evaluated in reference to Criteria 1/A (important events), Criteria B/2 (important persons) or Criteria C/3 (architectural value). To be considered eligible under these criteria the property must retain sufficient integrity to convey its important qualities. Integrity is judged in relation to seven aspects including: location, design, setting, materials, workmanship, feeling, and association.

Discussion of Impacts

a) ***No Impact.*** A records search was requested by Robin Hoffman of WRA (File Number 19-2100) at the Northwest Information Center (NWIC) located on the campus of Sonoma State University. The NWIC, an affiliate of the State of California Office of Historic Preservation is the official state repository of archaeological and historical records and reports for an 18-county area that includes Marin County. The records search included a review of all study reports on file within a one-half mile radius of the Project Area. The request included a half-mile radius. Sources consulted include archaeological site and survey base maps, survey reports, site records, and historic General Land Office (GLO) maps.

Included in the review were:

- *California Inventory of Historical Resources* (California Department of Parks and Recreation 1976)
- *California Historical Landmarks* for Marin County (CA-OHP 1990)
- *California Points of Historical Interest* (CA-OHP 1992)
- *Built Environment Resource Directory (BERD)* (CA-OHP January 2020), including the National Register of Historic Places, California Historical Landmarks, and California Points of Historical Interest

Review of historic registers and inventories indicate that no historical landmarks or points of interest are present in the Project Area. No National Register listed or eligible properties are located within the 0.5-mile visual area of the Project Area.

ALTA staff archaeologists conducted a field survey of the project site and the surrounding area on November 19, 2020. Project design, project maps, and aerial imagery were used to correctly identify the project area. Ground surface visibility was poor due to the heaving urbanization and hardscaping throughout; a total of about 1-acre was surveyed. Three shovel probes were employed to expose the ground surface for inspection. Digital photos were taken of the project area and surroundings. The field survey did not find any historical resources. Since both the database and field survey found no historic resources, there will be no impact.

b) ***Less than Significant Impact with Mitigation Incorporated.*** The project area has a low sensitivity for archaeological resources. Historically, the project area was part of the waters of San Rafael Bay. The area was diked and reclaimed during the mid-20th century as part of reclamation efforts (USGS 1956, 1960). As such, there is a low sensitivity for encountering either prehistoric or historic-era archaeological resources. Additionally, all proposed project improvements would occur within existing rights-of-way and no improvements would require additional large-scale excavation. Furthermore, the areas for which project work is proposed have already been disturbed as a result of the original construction of the existing pump station and storm drainage pipe. The previous construction activity would likely have reduced or eliminated the significance of archaeological resources if they were encountered.

   In the event that archeological resources are discovered, the City of San Rafael requires that specific resource measures be adhered to. If resources are found and the measures are enacted, impacts would be less than significant.

   However, the City of San Rafael implements specific adopted archeological resource measures in the event resources are encountered during grading. Impacts would be less than significant with implementation of the following mitigation measure:

   Mitigation Measure CULT-1: The City or its contractor shall comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Sections 5097.5, 5097.9 et seq., regarding the discovery and disturbance of cultural materials, should any be discovered during project construction.

   In keeping with the CEQA guidelines, if archaeological remains are uncovered, work at the place of discovery shall be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5 [f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of

glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

c) ***Less than Significant Impact.*** There are no formal cemeteries on the site, nor are human remains likely to exist on the site. However, the possibility remains that a resource of cultural significance may be encountered. Per Public Resources Code 5097.98 and Health and Human Safety Code 7050.5, if human remains are encountered, excavation or disturbance of the location shall be halted in the vicinity of the find, and the County Coroner contacted. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission. The Native American Heritage Commission shall identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity. With the compliance of State law, a less-than-significant impact would result.

VI.	**ENERGY** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*	*Source*
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐	1, 2
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	1, 2

Environmental Setting

California

Energy usage is typically quantified using the British thermal unit ("BTU"). As a point of reference, the approximate amount of energy contained in common energy sources are as follows: gasoline, 115,000 BTUs per gallon; diesel, 138,500 BTUs per gallon; natural gas, 21,000 BTUs per pound ("lb"); electricity, 3,414 BTUs per kilowatt-hour ("kWh").[23]

Total energy usage in California was 7,640.8 trillion BTUs in 2012, which equates to an average of 201 million BTUs per capita. Of California's total energy usage, the breakdown by sector is 39 percent transportation, 23 percent industrial, 19 percent residential, and 19 percent commercial. Petroleum satisfies 55 percent of California's energy demand, natural gas 32 percent, and electricity 12 percent. Coal fuel accounts for less than one percent of California's total energy demand.[24] Electric power and natural gas in California are generally consumed by stationary users, whereas petroleum consumption is generally accounted for by transportation-related energy use.[25] The other sources are made up of renewable energy sources, which includes wind and solar power, among other uses.

Given the nature of the proposed project, the main uses of energy would occur via construction vehicle fuel and electricity during operation. These two sources of energy are discussed in further detail below.

City of San Rafael

The City of San Rafael receives its electricity from Pacific Gas & Electric Company (PG&E), a

[23] *U.S. Department of Energy, 2014. Alternative Fuels Data Center – Fuel Properties Comparison. http://www.afdc.energy.gov/fuels/fuel_comparison_chart.pdf*

[24] *U.S. Department of Energy, Energy Information Administration, 2014. "Official Energy Statistics from the U. S. Government," http://tonto.eia.doe.gov/state/state_energy_profiles.cfm?sid=CA.*

[25] *Ibid.*

natural gas and electric utility, as well as Marin Clean Energy (MCE), which supplies customers with 50 to 100% renewable energy as an alternative to PG&E. MCE's 100% renewable electricity program is called Deep Green, and it supplies non-polluting wind and solar power for public buildings, streetlights, and other civic accounts in Marin County. San Rafael chose to join the Deep Green program in 2018.

Regulatory Setting

Federal and state agencies regulate energy use and consumption through various means and programs. At the federal level, the United States Department of Transportation, the United States Department of Energy, and the United States Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks, through funding of energy related research and development projects, and through funding for transportation infrastructure improvements.

At the state level, the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The CEC collects and analyzes energy-related data, prepares statewide energy policy recommendations and plans, promotes, and funds energy efficiency programs, and adopts and enforces appliance and building energy efficiency standards. California is exempt under federal law from rules that otherwise would preempt setting state fuel economy standards for new on-road motor vehicles. Some of the more relevant federal and state energy-related laws and plans are discussed below.

Federal Regulations

Energy Policy Act of 2005

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. The act includes tax incentives for the following: energy conservation improvements in commercial and residential buildings; fossil fuel production and clean coal facilities; and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers. It directs the USDOE to study and report on alternative energy sources such as wave and tidal power, and includes funding for hydrogen research. The Act also increases the amount of ethanol required to be blended with gasoline, and extends daylight saving time (to begin earlier in spring and end later in fall) to reduce lighting requirements. It also requires the federal vehicle fleet to maximize use of alternative fuels. The Act further includes provisions for expediting construction

of major energy transmission corridors, such as high-voltage power lines, and fossil fuel transmission pipelines. These are just a few examples of the provisions contained in the Act.[26]

Energy Independence and Security Act of 2007

Signed into law in December 2007, this broad energy bill included an increase in auto mileage standards, and also addressed biofuels, conservation measures, and building efficiency. The U.S. EPA administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. The bill amended the CAFE standards to mandate significant improvements in fuel efficiency (i.e., average fleet wide fuel economy of 35 miles per gallon (mpg) by 2020, versus the previous standard of 27.5 mpg for passenger cars and 22.2 mpg for light trucks).[27]

Another provision includes a mandate to increase use of ethanol and other renewable fuels by 36 billion gallons by 2022, of which 21 million gallons is to include advanced biofuels, largely cellulosic ethanol, that have 50 to 60 percent lower GHG emissions. The bill also includes establishment of a new energy block grant program for use by local governments in implementing energy-efficiency initiatives, as well as a variety of green building incentives and programs, among other things.[28]

State Regulations

Energy Action Plan

In 2003, the three key energy agencies in California— the CEC, the California Power Authority (CPA), and the CPUC— jointly adopted an Energy Action Plan (EAP) that listed goals for California's energy future and set forth a commitment to achieve these goals through specific actions. In 2005, the CPUC and the CEC jointly prepared the EAP II to identify the further actions necessary to meet California's future energy needs. The EAP II describes the priority sequence for actions to address increasing energy needs, also known as "loading order." The loading order identifies energy efficiency and demand response as the state's preferred means of meeting growing energy needs. After cost-effective efficiency and demand response, the state is to rely on renewable sources of power and distributed generation, such as combined heat and power applications. To the extent that efficiency, demand response, renewable resources, and distributed generation are unable to satisfy increasing energy and capacity needs, the EAP II supports the use of clean and efficient fossil fuel-fired generation.

In 2008, the CPUC and CEC released an Energy Action Plan Update using information and analysis prepared for the Energy Commission's *2007 Integrated Energy Policy Report (IEPR)*.

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[26] *United States Congress, Energy Policy Act of 2005 (Public Law 109-58), passed July 29, 2005. https://www.congress.gov/bill/109th-congress/house-bill/6*

[27] *EPA. 2007. Summary of the Energy Independence and Security Act. Available online at: https://www.epa.gov/laws-regulations/summary-energy-independence-and-security-act*

[28] *Ibid 33*

The Update was partially written in response to the California Global Warming Solutions Act of 2006 (discussed below), intended to keep the EAP I and EAP II process alive while capturing changes in the policy landscape and describing intended activities to accomplish those policies. The focus areas included: energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change.[29]

The EAP identifies key actions to be taken in all of these areas in order to meet the state's growing energy requirements. The plan recommendations are implemented by the governor through executive orders, by the legislature through new statutes, and by the responsible state agencies through regulations and programs.

Title 24 (California Energy Code)

The California Energy Code (Title 24, Part 6, of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings), provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California. The provisions of the California Energy Code apply to the building envelope, space-conditioning systems, and water-heating and lighting systems of buildings and appliances; they also give guidance on construction techniques to maximize energy conservation. Minimum efficiency standards are given for a variety of building elements, including appliances; water and space heating and cooling equipment; and insulation for doors, pipes, walls, and ceilings. The CEC adopted the 2005 changes to the Building Efficiency Standards, which emphasized saving energy at peak periods and seasons, and improving the quality of installation of energy-efficiency measures. It is estimated that implementation of the 2005 Title 24 standards have resulted in an increased energy savings of 8.5 percent relative to the previous Title 24 standards. Compliance with Title 24 standards is verified and enforced through the local building permit process.[30] The 2008 Title 24 Standards, which had an effective date beginning August 1, 2009, include added provisions that require, for example, "cool roofs" on commercial buildings; increased efficiency in heating, ventilating, and air conditioning systems; and increased use of skylights and more efficient lighting systems.[31] Title 24 Standards were further updated with the 2013 Building Energy Efficiency Standards, which are estimated to lead to 25 percent less energy consumption for residential buildings and 30 percent savings for nonresidential buildings over 2008 Energy Standards. 2013 standards, which updated codes for lighting, space heating and cooling, ventilation, and water heating, took effect on July 1st 2014.

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[29] State of California, Energy Commission and Public Utilities Commission, "Energy Action Plan 2008 Update," February 2008. http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Energy_-_Electricity_and_Natural_Gas/2008%20Energy%20Action%20Plan%20Update.pdf

[30] California Energy Commission (2016) Web site (Building Efficiency Standards), http://www.energy.ca.gov/title24

[31] Ibid.

California Green Building Standards Code

All new construction must adhere to the California Green Building Standards Code (CCR, Title 24, Part 11) in place at the time of construction. As an example, the 2013 Title 24 California Green Building Standards, referred to as CALGreen:

- Sets a threshold of a 20 percent reduction in indoor water use and includes voluntary goals for reductions of 30 percent, 35 percent, and 40 percent.
- Requires separate meters for indoor and outdoor water use at nonresidential buildings; and at those sites, irrigation systems for larger landscaped areas must be moisture-sensing.
- Calls for 50 percent of construction waste to be diverted from the landfills and lists higher, voluntary diversion amounts of 65 percent to 75 percent for new homes, and 80 percent for commercial construction.
- Mandates inspections of energy systems -- such as the heat furnace, air conditioning, and mechanical equipment -- for nonresidential buildings that are larger than 10,000 square feet to "ensure that all are working at their maximum capacity according to design efficiencies."
- Requires that paint, carpet, vinyl flooring, particle board, and other interior finish materials be low-emitting in terms of pollutants.

California Global Warming Solutions Act of 2006

In September 2006, the governor signed AB 32, the Global Warming Solutions Act of 2006, which mandates that California's GHG emissions be reduced to 1990 levels by 2020. The act directs the California EPA to work with state agencies to implement a cap on GHG emissions (primarily carbon dioxide) from stationary sources of such as electric power generation facilities, and industrial, commercial, and waste-disposal sectors. Since carbon dioxide emissions are directly proportional to fossil fuel consumption, the cap on emissions is expected to have the incidental effect of forcing a reduction in fossil fuel consumption from these stationary sources. Specifically, AB 32 directs the California EPA to work with other state agencies to accomplish the following: 1) promulgate and implement GHG emissions cap for the electric power, industrial, and commercial sectors through regulations in an economically efficient manner; 2) institute a schedule of greenhouse gas reductions; 3) develop an enforcement mechanism for reducing GHG; 4) establish a program to track and report GHG emissions.[32]

Senate Bill 32

Enacted in 2016, Senate Bill (SB) 32 (Pavley, 2016) codifies the 2030 GHG emissions reduction goal of Executive Order B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030. Similar to AB 32, a reduction in GHG emissions typically corresponds with a reduction in energy usage as the bulk of GHGs result from the

[32] *Assembly Bill 32, Passed August 31, 2006, http://www.arb.ca.gov/cc/docs/ab32text.pdf.*

combustion of fossil fuel.

SB 32 was coupled with a companion bill: AB 197 (Garcia, 2016). Designed to improve the transparency of CARB's regulatory and policy-oriented processes, AB 197 created the Joint Legislative Committee on Climate Change Policies, a committee with the responsibility to ascertain facts and make recommendations to the Legislature concerning statewide programs, policies and investments related to climate change. AB 197 also requires CARB to make certain GHG emissions inventory data publicly available on its web site; consider the social costs of GHG emissions when adopting rules and regulations designed to achieve GHG emission reductions; and, include specified information in all Scoping Plan updates for the emission reduction measures contained therein.

Local Regulations

In addition to federal and state regulations and guidelines, the following is a synopsis of local City of San Rafael regulations and goals relative to reducing or avoiding significant impacts on energy use.

City of San Rafael General Plan 2020

Policy SU-6 Resource Efficiency in Site Development. Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource and energy-efficient infrastructure.

Policy SU-6a. Site Design. Evaluate as part of development review, proposed site design for energy-efficiency, such as shading of parking lots and summertime shading of south-facing windows.

Policy SU-14d. City Electricity. Participate in the Marin Energy Authority by switching all City accounts over to the Light Green option in 2010 and the Deep Green option (100% renewable power) by 2020. Consider the use of renewable energy technology such as solar, cogeneration and fuel cells in the construction or retrofitting of City facilities.

Policy SU-14l. **Backup Energy Provision.** Evaluate backup energy provisions for critical city facilities and upgrade as needed. Encourage the use of alternatives, such as fuel cell and solar generator backups, to the sustained use of gasoline-powered generators.

City of San Rafael Climate Change Action Plan 2030[33]

EE-C3: Cool Pavement and Roofs. Use high albedo material for roadways, parking lots, sidewalks and roofs to reduce the urban heat island effect and save energy.

a. Evaluate the use of high albedo pavements when resurfacing City streets or re-roofing City facilities.

[33] City of San Rafael, "Climate Action Plan 2030", April 23, 2019. https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2019/06/Att-D-CCAP-2030-Final-Draft-4-23-19.pdf

b. Encourage new development to use high albedo material for driveways, parking lots, walkways, patios, and roofing through engagement and behavior change campaigns.

Discussion of Impacts

a) ***Less than Significant Impact.*** The proposed project would require the use of diesel and other fuels for trucks and equipment during construction, but these activities would be short-term and completed as efficiently as possible for practical and financial reasons, among other considerations. The only ongoing energy consumption in the operational phase of the project would be from three new street lights which will be connected to the PG&E power grid. Since streetlights in Marin County are powered by renewable energy sources through PG&E's partnership with MCE, there would a less than significant impact of the additional lighting sources.

b) ***Less than Significant Impact.*** The proposed project would replace a public park with additional public street parking. The only energy consumption that will result from this project will be from three additional street lamps. Given San Rafael's enrollment in the Deep Green 100% renewable program, electricity for the street lamps could be from renewable sources. Impacts would be less than significant.

VI. **GEOLOGY AND SOILS** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒	1,10
ii) Strong seismic ground shaking?	☐	☐	☒	☐	1,10
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,10
iv) Landslides?	☐	☐	☒	☐	1,10
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,7, 3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐	1,7, 3
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	1, 7
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1, 3

VI. **GEOLOGY AND SOILS** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	1

Environmental Setting

Regional Geologic Setting

The project site lies within the Coast Ranges geomorphic province of California. Regional topography within the Coast Ranges province is characterized by northwest-southeast trending mountain ridges and intervening valleys that parallel the major geologic structures, including the San Andreas Fault System. The province is also generally characterized by abundant landslides and erosion, owing in part to its typically high levels of precipitation and seismic activity.

Earthquakes are the product of the build-up and sudden release of strain along a “fault” or zone of weakness in the earth's crust. Stored energy may be released as soon as it is generated, or it may be accumulated and stored for long periods of time. Faults are seldom single cracks in the earth's crust but are typically comprised of localized shear zones which link together to form larger fault zones. Within the Bay Area, faults are concentrated along the San Andreas fault system, which extends nearly 700 miles along a northwest trend from Mexico to offshore northern California. The movement between rock formations along either side of a fault may be horizontal, vertical, or a combination and is radiated outward in the form of energy waves. The amplitude and frequency of earthquake ground motions partially depends on the material through which it is moving. The earthquake force is transmitted through hard rock in short, rapid vibrations, while this energy becomes a long, high-amplitude motion when moving through soft ground materials, such as Bay Mud.

An “active” fault is one that shows displacement within the last 11,000 years (i.e. Holocene) and has a reported average slip rate greater than 0.1 mm per year. The California Division of Mines and Geology (1998) has mapped various active and inactive faults in the region. The nearest known active faults to the site are the San Andreas and Hayward Faults.

Local Geologic Setting

The project site is located immediately west of San Rafael Bay. Regional geologic mapping[34] indicates that the site is underlain by artificial fill over Bay Mud. The project site, like all properties

[34] *California Division of Mines and Geology, “Geology for Planning in Central and Southeastern Marin County, California, OFR 76-2 S.F. Plate 1D, South Central Marin Geology”, 1976.*

in the San Francisco Bay area, is situated in a seismically active area. In the San Francisco Bay Area, the San Andreas fault system includes the San Andreas, Hayward, Calaveras, and other related faults in the San Francisco Bay area. According to the U.S. Geological Survey, there is a 62% chance of at least a magnitude 6.7 (or greater) earthquake in the San Francisco Bay region between 2003 and 2032.

The project area is not located within a State of California Earthquake Fault Zone for active faulting and no active faults are mapped on the property. The San Andreas Fault is located approximately 11.3 miles southwest of the site whereas the Hayward Fault is located approximately 7.4 miles to the northeast.

Discussion of Impacts

a-i) ***No Impact.*** The project site is not located within a State of California designated Alquist-Priolo Earthquake Fault Zone. Earthquake fault zones are regulatory zones that encompass surface traces of active faults that have a potential for future surface fault rupture. The closet active faults to the site are the San Andreas Fault, located approximately 11.3 miles to the west-southwest of the project site at its closest point, and the Hayward Fault, approximately 7.4 miles northeast at its closest point. No faults cross through the project site, and surface rupture associated with a fault is not anticipated in the City. No impacts would occur.

a-ii) ***Less than Significant Impact***. The potential for seismic ground-shaking at the project site is "very strong" according to the Association of Bay Area Government's (ABAG) Resilience Program hazards map, but seismic-related ground failure is not anticipated. The project site's proximity to two active bay area faults (San Andreas and Hayward) leaves it vulnerable to some degree of ground shaking, which is common in the Bay Area. The proposed project would not create a need or opportunity for people to reside on-site and thus be exposed to such ground shaking long-term. If an earthquake were to occur during the construction phase, it could create a risk for workers on-site, but under the obligation of the Occupational Safety and Health Act (OSHA), construction workers would be trained to take the necessary precautions to maintain worker safety in the event of an earthquake. Structures associated with the proposed work would be designed to conform to the most recent edition of the California Building Code (2016). Given these legal obligations, the impacts related to this topic would be less than significant.

a-iii) ***Less than Significant Impact.*** Liquefaction occurs when a saturated or partially saturated soil substantially loses strength and stiffness in response to an applied stress, such as seismic shaking, which causes a solid to behave like a liquid. Soils susceptible to liquefaction are saturated, loose, granular deposits. Liquefaction can result in flow failure, lateral spreading, ground movement, settlement, and other related effects. Buried pipelines embedded within liquefied soils may also experience uplift due to buoyancy.

According to ABAG's Resilience Program hazards map, the project site has moderate to very high susceptibility to liquefaction. The project would be subject to all Federal, State,

and local regulations for seismic conditions, which would require all construction activities to account for the possibility of liquefaction. Impacts would be less than significant.

a-iv) ***Less than Significant Impact.*** Landslides are frequently triggered by strong ground motions. They are an important secondary earthquake hazard. The term landslide includes a wide range of ground movement, such as rock falls, deep failure of slopes, and shallow debris flows. Landslides from seismic activity are a very low risk at the project site given its flat topography and general lack of slopes, cliffs, or flowing water.

The project is subject to all Federal, State, and local regulations and standards for seismic conditions, including the CBC, and would be designed to conform to all building requirements. Given the low risk of landslides at the project site and the legal obligations associated with seismic building design, impacts associated with seismic landslides would be less than significant.

b) ***Less than Significant Impact.*** The project would remove 650 CY of existing asphalt, base rock, and soil from the site and replace it with non-permeable surfaces. Grading of the site would ensure that existing drainage patterns are sustained. Additionally, there would be minimal disturbance of native topsoil, as construction activities would take place mainly within existing paved roads and the soil in the area is non-native fill material. BAAQMD construction measures would be implemented to minimize the potential for erosion and indirect effects associated with soil erosion (i.e., water quality impacts, fugitive dust). Any soil removed will be immediately transported offsite. Impacts on soil would therefore be less than significant.

c, d) ***Less than Significant Impact.*** The potential for geologic and soil hazards from unstable or expansive soils in the project site is considered low based on the geologic units, soil types, and flat topography discussed previously. The ground disturbance associated with the proposed project would cause soil disturbance, but these actions would not result in substantial changes in topography, ground surface relief features, or geologic substructures, and would therefore not change the stability of the soil conditions. Furthermore, the project is subject to all Federal, State, and local regulations and standards for seismic conditions including the California Building Code (CBC) and would be designed to conform to all building requirements. Therefore, the proposed project's impacts would not destabilize the soil or expose human life or structures to increased risk of on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts in these areas would be less than significant.

e) ***No Impact.*** The project does not involve construction of septic tanks or alternative wastewater disposal systems.

f) ***Less than Significant Impact.*** The project site follows mainly existing rights-of-way on paved and previously disturbed land. Excavation of soil would be required, but the soil would be non-native fill and is unlikely to contain any paleontological resources. The ground disturbance associated with the project would not change the topography or

geologic substructures of the vicinity and would therefore not change any unique geologic features. The project area was historically part of the waters of the San Rafael Bay and was diked and reclaimed in the mid-20th century, covered in fill material. Unique paleontological or geologic features would therefore only exist in the deeper layers of soil and would remain undisturbed. Impacts would be less than significant.

VII. GREENHOUSE GAS EMISSIONS — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1
b)	Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,11

Environmental Setting

Assembly Bill 32, adopted in 2006, established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. Senate Bill 97, adopted in 2007, required the Governor's Office of Planning and Research to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions," and the Resources Agency certified and adopted the amendments to the guidelines on December 30, 2009.

GHGs are recognized by wide consensus among the scientific community to contribute to global warming/climate change and associated environmental impacts. The major GHGs released from human activity are carbon dioxide, methane, and nitrous oxide.[35] The primary sources of GHGs are vehicles (including planes and trains), energy plants, and industrial and agricultural activities (such as dairies and hog farms).

Discussion of Impacts

a) ***Less Than Significant Impact.*** GHG emissions from the project would be produced from construction-related equipment emissions. Based on the nature of the project and short duration of construction, GHG emissions resulting from construction activities would be both minor and temporary. While the project would have an incremental contribution to GHG emissions within the City and region, the individual impact is less than significant. During the operational phase, the additional street lamps installed would be powered through clean energy as discussed above. The proposed project activities would cause more vehicles to be stopped in the area, but since they will not be in use in the project area there will be minimal contribution to GHG emissions. Less than significant impacts would occur.

[35] *Governor's Office of Planning and Research, 2008. Technical advisory: CEQA and climate change: Addressing climate change through California Environmental Quality Act Review. Sacramento, CA. Available at: <http://opr.ca.gov/docs/june08-ceqa.pdf >. June 19, 2008. Accessed May 2015.*

b) ***Less Than Significant Impact.*** The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. GHG emissions from off-road equipment and utility electrical usage are identified and planned for in the BAAQMD's 2017 Clean Air Plan as well as the BAAQMD's Source Inventory of Bay Area Greenhouse Gas Emissions (BAAQMD 2017a and 2017b). A primary objective of the 2017 Clean Air Plan is to reduce greenhouse gas emissions to 40% below 1990 levels by 2020 and 80% below 1990 levels by 2050. The project would generate emissions similar to existing conditions and, therefore, a less-than-significant impact would occur.

VIII. **HAZARDS AND HAZARDOUS MATERIALS** — Would the project:		***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant Impact***	***No Impact***	***Source***
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	8
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	1
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐	1

Environmental Setting

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22, Section 66261.10 of the California Code of Regulations as a substance with physical, chemical, or infectious characteristics which may cause or contribute to mortality or illness or pose a threat to human health or the environment when mismanaged. Chemical and physical properties which may cause a substance to be considered hazardous include toxicity, ignitability, corrosivity, and reactivity.

Under Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substance sites. This list, referred to as the "Cortese List," includes CALSITE hazardous material sites, sites with leaking underground storage tanks, and landfills with evidence of groundwater contamination. The State Water Resource Control Board (State Water Board) *GeoTracker* database similarly documents hazardous waste sites throughout the state but focuses on groundwater contamination. According to the Cortese List there are no Federal superfund sites within five miles of the proposed Project. There are no active sites of any kind in the EnviroStor database within 3 miles of the proposed Project.[36] *GeoTracker* lists active sites within a mile of the proposed Project site, but Project activities will not affect the cleanup and vice versa.

Discussion of Impacts

a,b) ***Less than Significant Impact.*** Project construction activities are expected to involve the routine transport, use, and disposal of hazardous materials (e.g., motor fuels, paints, oils, and grease) that could pose a significant threat to human health or the environment if not properly managed. Although small amounts of these materials would be transported, used, and disposed of during project construction, these materials are typically used in construction projects and are not considered acutely hazardous. Workers who handle hazardous materials are required to adhere to health and safety requirements enforced by the federal Occupational Health and Safety Administration (OSHA) and California Division of Occupational Safety and Health (Cal/OSHA). By adhering to the OSHA standards, the risk of upset or accident is greatly minimized. Hazardous materials must be transported to and from the project site in accordance with Resource Conservation and Recovery Act (RCRA) and U.S. Department of Transportation regulations. Hazardous materials must also be disposed of in accordance with RCRA regulations at a facility that is permitted to accept the waste. Because compliance with existing regulations is mandatory, project construction is not expected to create a significant hazard to public health or the environment through the routine transport, use, or disposal of hazardous materials. As a result, impacts would be less than significant.

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[36] *Department of Toxic Substances Control, "EnviroStor Database," Accessed April 23, 2020. https://www.envirostor.dtsc.ca.gov/public/map/.*

c) ***Less than Significant Impact.*** The Pickleweed Preschool is located directly to the northwest of the project site and Bahia Vista Elementary School is located less than 0.1 mile southwest of the site. Only small amounts of materials required to complete construction activities (e.g., motor fuels, paints, oils, and grease) would be handled within the vicinity of these schools. The substances stated above are not considered to be acutely hazardous. Additionally, all OSHA standards discussed above will be adhered to in order to minimize the potential threats of these materials to the environment or nearby persons. Therefore, there would be a less than significant impact on schools.

d) ***No Impact.*** The provisions of Government Code Section 65962.5 require the State Water Resources Control Board, Department of Toxic Substances Control, California Department of Health Services, and California Department of Resources Recycling and Recovery to submit information to the California Environmental Protection Agency pertaining to sites that were associated with solid waste disposal, hazardous waste disposal, and/or hazardous materials releases. The compilation of hazardous materials release sites that meet criteria specified in Section 65962.5 of the California Government Code is known as the Cortese List. There are currently no hazardous materials release sites on the project site that meet the criteria for inclusion on the Cortese List. Therefore, the project would have no impacts related to development on a hazardous materials release site included on the Cortese List.

e) ***No Impact.*** The project site is located more than two miles away from the closest airport and is not within an airport influence area, so there will be no impact in regards to creating a safety hazard or excessive noise for people in the project area.

f) ***Less than Significant Impact.*** The proposed project area encompasses the stretch of the north side of Canal street that extends from the intersection of Canal Street/Bahia Way to Spinnaker Point Drive/Portsmouth Cove. Traffic patterns would be temporarily altered along Canal Street during construction activities. Portions of the westbound lane of Canal Street will be temporarily closed during construction, however, the Contractor will be able to provide motorists access through the job site by using trained flaggers to control vehicular traffic. An appropriate detour, if deemed necessary, would be planned to allow for routes to remain passable. Therefore, construction of the proposed project would not temporarily block or impair any existing emergency evacuation routes. There would be no impact to evacuation routes during the operational phase of the project.

g) ***Less than Significant Impact.*** The project site is surrounded by paved urbanized uses, marshland, and an open body of water (the San Rafael Bay) and is not located in an area mapped as Very High Fire Hazard Severity Zone by California Department of Forestry and Fire Protection.[37] Therefore, the project would have a less-than-significant impact related to wildland fire hazards.

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[37] *CAL FIRE, 2007. Fire Hazard Severity Zones in SRA, Adopted by Cal FIRE on November 7, 2007.*

IX.	**HYDROLOGY AND WATER QUALITY** — Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant Impact***	***No Impact***	***Source***
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐	1
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	1
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐	1, 3
	(i) result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	1, 3
	(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐	1, 3
	(iii) create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1, 3
	(iv) impede or redirect flood flows?	☐	☐	☒	☐	1, 3
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐	1,11
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐	1

Environmental Setting

According to the RWQCB's Water Quality Control Plan for the San Francisco Basin, the project site is located in the Marin Coastal Basin and discharges to the San Rafael Bay. The San Rafael Creek watershed is 403 acres, consisting of urban/commercial development, hillside woods, and wetlands. The watershed is bisected by Interstate 580, which includes large roadside ditches for drainage that are inundated during rain events. The project site is protected from inundation by the levee that borders the northern edge of the site and lies south of the San Rafael Bay marshlands.

The project site is covered with pervious surfaces in the form of undeveloped park lands. Accumulated water in the project area either seeps through the ground or runs off into the storm drains under the sidewalk along the northern side of Canal Street. According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM), the project site is in flood zone AE, which is defined as an area within the 100-year flood zone where a base flood elevation has been determined.

Regulatory Setting

The City of San Rafael is part of the Marin Countywide Stormwater Pollution Prevention Program (MCSTOPPP) whose goals are to: prevent stormwater pollution, protect and enhance water quality in creeks and wetlands, preserve beneficial uses of local waterways, and comply with State and Federal regulations. MCSTOPPP staff implement permit compliance and track stormwater regulations on behalf of the member agencies.

The federal Clean Water Act (CWA) Section 402, promulgated by rules developed by the US EPA in 1990, establishes the National Pollutant Discharge Elimination System (NPDES) stormwater program. The program requires that urban stormwater runoff pollution of the nation's water be regulated for Municipal Separate Storm Sewer Systems (MS4s). The San Francisco Bay Regional Water Board issued one Municipal Regional Stormwater NPDES Permit (MRP) in 2015 covering MS4s that serve populations of 100,000 or greater. For smaller MS4s, such as the City of San Rafael, discharges are currently regulated under a General Permit renewal issued by the State Water Resources Control Board in 2013 for Storm Water Discharges from Small MS4s (Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004).

Discussion of Impacts

a) ***Less than Significant Impact.*** Construction activities would require ground disturbance for excavation, removal of recreational equipment, grinding and paving, construction of the bioretention basin, and tree removal. In total approximately 650 cubic yards of existing asphalt, base rock, and native soils will be excavated from the site. Excavated material will not be stockpiled at the project site as it will not be reused during parking area construction. Standard construction measures recommended by the Marin Countywide Water Pollution Prevention Program would be implemented to minimize pollutants carried from the project site in runoff. The project would comply with terms of the State Water Board's Storm Water Discharges from Small MS4s General Permit. Water quality impacts

during construction would therefore be less than significant, and operational water quality impacts would not change from current baseline conditions.

b) ***Less than Significant Impact.*** The project would not require use of groundwater supplies during construction or operation. The project would install new impervious surfaces, but will be graded to allow for drainage patterns to be maintained. The bioretention basin would be constructed to compensate for the loss of pervious surfaces within the project area. The basin would allow for groundwater recharge through direct absorption and through channeling of excess water into the storm drain system. All onsite runoff would be directed to the bioretention basin through valley gutters that would be constructed along the edge of the sidewalk. Therefore, the impact to groundwater would be less than significant.

c-i-iv) ***Less than Significant Impact***. The proposed project would not alter the course of a stream or river, but it would include the addition of impervious surfaces. In order to construct paved parking areas, the current permeable surface of the park area would be excavated, removed, and replaced with aggregate base rock and asphalt. The site would be graded to ensure that the current drainage patterns are maintained. Additionally, the bioretention basin would collect all surface runoff from the site. Therefore, the increased impervious surfaces would create a less than significant impact on erosion and siltation, surface water runoff, and drainage patterns. Part of the new parking area construction would include gutters along the sidewalk to channel water through the bioretention basin which will connect to the existing stormwater conveyance system. Because the area of increase in impermeable surfaces is relatively small, existing stormwater drainage system would not be significantly impacted. The project would not cause a substantial change to the erosion and accretion patterns long-term because the parking area construction would not alter the existing drainage pattern of the area. The proposed project is located with the 100-year flood zone; however, it would not impede flood flow. Impacts would be less than significant.

d, e) ***Less than Significant Impact.*** The project would not have other water quality or groundwater sustainability impacts beyond those discussed under items a) and b) above. Due to its proximity to the San Rafael Bay, the proposed project site is located in a tsunami inundation area; however, the operational project would leave the area very similar to its current condition with no additional risk of pollutants being released due to inundation. During construction, the risk of release of pollutants during a hydrologic event would be minimized by adherence to the BMPs listed above. The project would comply with the Marin Countywide Water Pollution Prevention Program and the State Water Board's General Permit. Impacts would be less than significant.

XI.	**LAND USE AND PLANNING** – Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant Impact***	***No Impact***	***Source***
a)	Physically divide an established community?	☐	☐	☐	☒	1
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	2

Environmental Setting

The project site is in a residential and public lands portion of the City of San Rafael. Existing land uses adjacent to the project site consist of open space, parks, single and multi-family residences, recreational uses, and City owned lands. The project site is within existing roads and access routes and their associated rights-of-way. The City of San Rafael General Plan, adopted in 2004 with various subsequent chapter amendments, provides policies and implementation strategies for management of the resources and land uses in the City, and the City Codes provide restrictions and requirements to protect resources and comply with local, state, and federal laws. Applicable General Plan policies are listed below. No habitat conservation plans have been adopted for the area.

Regulatory Setting

San Rafael General Plan

Land Use Element

LU-1. Planning Area and Growth to 2020. Plan the circulation system and infrastructure to provide capacity for the total development expected by 2020.

Neighborhood Element

NH-5. Safe Streets. Provide neighborhood streets that are safe, pleasant, and attractive to walk, cycle and drive along.

NH-8. Parking. Maintain well-landscaped parking lots and front setbacks in commercial and institutional properties that are located in or adjacent to residential neighborhoods. Promote ways to encourage parking opportunities that are consistent with the design guidelines.

NH-70. Access to Open Space. Provide public access to open space areas when projects are approved, including access to and along the shoreline, portions of the Canalfront, and San Quentin Ridge. Minimize public access conflicts with sensitive habitat areas and with nearby development, including parking conflicts.

NH-71. Gathering Places. Support efforts to provide places where neighbors can meet each other, such as at Pickleweed Park, the Community Center, or a public plaza.

Community Design Element

CD-5. Views. Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.

CD-19b. Lighting Plan. Require new development and projects making significant parking lot improvements or proposing new lighting to prepare a lighting plan consistent with the Design Guidelines for review by City planning staff.

Circulation Element

C-31. Residential Area Parking. Evaluate effective means to manage residential parking to minimize the impacts of excess demand.

Parks and Recreation Element

PR-8j. Neighborhood Park Improvements – Schoen Park. Prepare a park master plan to finalize Shoreline Park link, and to provide appropriate recreation amenities.

Safety Element

S-2. Location of Public Improvements. Avoid locating public improvements and utilities in areas with identified flood, geologic and/or soil hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.

S-5. Minimize Potential Effects of Geological Hazards. Development proposed within areas of potential geological hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Development in areas subject to soils and geologic hazards shall incorporate adequate mitigation measures. The City will only approve new development in areas of identified hazard if such hazard can be appropriately mitigated.

S-22b. Grading During the Wet Season. Discourage grading during the wet season and require that development projects implement adequate erosion and/or sediment control and runoff discharge measures.

Noise Element

N-9b. Mitigation for Construction Activity Noise. Through environmental review, identify mitigation measures to minimize the exposure of neighboring properties to excessive noise levels from construction-related activity.

Open Space Element

OS-4. Access to Open Space. Encourage provision of access to open space areas in the design of adjacent development. Secure access paths shown on Exhibit 34 as part of subdivision

approvals and design access paths to avoid or minimize neighborhood and user conflicts with sensitive wildlife habitat areas.

Discussion of Impacts

a) ***No Impact.*** The project involves replacement of community park land with on-street parking spots. The project location is on parkland and along the current extent of the Canal Street ROW. The project would not physically divide an established community. No impacts would occur.

b) ***Less than Significant Impact.*** A proposed project would have a significant impact if it were to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project is subject to several local policies, plans, and regulations, as described above. The primary objective of the proposed project is to replace the underutilized Schoen Park with much needed street parking in the Canal neighborhood. The project would maintain public access to open space, alleviate parking pressure, adhere to all safety standards, and would support efforts to increase usage of community areas. The proposed project would not conflict with the City of San Rafael General Plan or other applicable land use plans or policies. Impacts would be less than significant.

XII.	**MINERAL RESOURCES** — Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant Impact***	***No Impact***	***Source***
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	2,12
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	2,12

Discussion of Impacts

a, b) ***No Impact.*** The project site is not in or adjacent to any important mineral resource areas. Furthermore, the development of the proposed project would not preclude future excavation of oil or minerals should such extraction become viable. As such, there would be no loss of availability of known mineral resources and no impacts to mineral resources.

XIII. **NOISE** — Would the project result in:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1,2, 9
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

Environmental Setting

The City of San Rafael Noise Ordinance limits construction hours to 7:00 A.M. to 5:00 P.M. Monday through Friday. The Director of Public Works/City Engineer may grant exemptions. Noise in the project site and vicinity is primarily from residences and vehicular traffic along roads. There are no nursing homes adjacent to the project site. The nearest sensitive noise receptors are residences in the community directly across Canal street from the Project site and students attending Pickleweed Children's Center Preschool within the adjacent community center. Additionally, community members utilizing the Bay Trail and the Albert J. Boro Community Center could also be potentially impacted by project-induced noise.

Discussion of Impacts

a) ***Less than Significant Impact with Mitigation Incorporated.*** Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this

compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady "background" noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway.

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise upon people is largely dependent upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq} – A L_{eq}, or equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
- L_{max} – The maximum instantaneous noise level experienced during a given period of time.
- L_{min} – The minimum instantaneous noise level experienced during a given period of time.
- CNEL – The Community Noise Equivalent Level is a 24-hour average Leq with a 5 dBA "weighting" during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24 hour L_{eq} would result in a measurement of 66.7 dBA CNEL.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. For residential uses, environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA.[38] Noise levels greater than 85 dBA can cause temporary or permanent hearing loss. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet suburban residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential

[38] *Office of Planning and Research, State of California General Plan Guidelines, October 2003 (in coordination with the California Department of Health Services).*

or semi-commercial areas (typically 55–60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with more noisy urban residential or residential-commercial areas (60–75 dBA) or dense urban or industrial areas (65–80 dBA).

It is widely accepted that in the community noise environment the average healthy ear can barely perceive CNEL noise level changes of 3 dBA. CNEL changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. A 5 dBA CNEL increase is readily noticeable, while the human ear perceives a 10 dBA CNEL increase as a doubling of sound.

Noise levels from a particular source generally decline as distance to the receptor increases. Other factors, such as the weather and reflecting or barriers, also help intensify or reduce the noise level at any given location. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically "hard" locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 4.5 dBA at acoustically "soft" locations (i.e., the area between the source and receptor is normal earth or has vegetation, including grass). Noise from stationary or point sources is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. Noise levels are also generally reduced by 1 dBA for each 1,000 feet of distance due to air absorption. Noise levels may also be reduced by intervening structures – generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The normal noise attenuation within residential structures with open windows is about 17 dBA, while the noise attenuation with closed windows is about 25 dBA.[39]

Table 1 lists the Federal Transit Administrations typical construction equipment noise levels at 50 feet.

Table 1. Construction Equipment Noise Generation

Equipment	Typical Noise Level (dBA) 50 ft from Source	Equipment	Typical Noise Level (dBA) 50 ft from Source
Air Compressor	81	Jack Hammer	88
Backhoe	80	Loader	85
Ballast Equalizer	82	Paver	89

[39] *National Cooperative Highway Research Program Report 117, Highway Noise: A Design Guide for Highway Engineers, 1971.*

Equipment	Typical Noise Level (dBA) 50 ft from Source	Equipment	Typical Noise Level (dBA) 50 ft from Source
Ballast Tamper	83	Pile-driver (Impact)	101
Compactor	82	Pile-driver (Sonic)	96
Concrete Mixer	85	Pneumatic Tool	85
Concrete Pump	82	Pump	76
Concrete Vibrator	76	Roller	74
Crane, Derrick	88	Saw	76
Crane, Mobile	83	Scarifier	83
Dozer	85	Scraper	89
Generator	81	Shovel	82
Grader	85	Spike Driver	77
Impact Wrench	85	Truck	88
Source: Federal Transit Administration. *Transit Noise and Vibration Impact Assessment*, 2006			

Construction activities would generate temporary noise from equipment use; the most common noise generated would be from mobile diesel equipment such as excavators, rollers, trucks, cranes, and pavers. Activities would be restricted to the hours of 7:00 A.M. to 5:00 P.M. Monday through Friday, unless otherwise approved in writing by the Director of Public Works.

Table 1 illustrates typical noise levels from construction equipment at a reference distance of 50 feet. Noise levels from construction equipment attenuate at a rate of six dBA per doubling of distance. Therefore, the noise levels at a distance of 100 feet would be 6 dBA less than those shown in Table 1. Construction equipment would generate maximum noise levels of approximately 89 decibels (dB) at 50 feet.

Construction noise levels may periodically exceed noise standards in the existing Noise Ordinance, but the temporary noise from construction would not cause a substantial increase in ambient noise or expose sensitive receptors to unacceptable noise levels for long periods of time. Impacts associated with construction noise would cause a potentially significant, temporary increase in noise levels, but incorporation of Mitigation Measure NOISE-1 would reduce noise impacts to a less-than-significant level.

Long-term operational noise impacts would be less than significant because the conditions would be similar to existing noise levels as cars routinely travel through the project area currently.

Mitigation Measure NOISE–1: The City shall incorporate the following practices into the construction documents to be implemented by the project contractor:

- Construction hours shall be limited to 7:00 A.M. to 5:00 P.M. Monday through Friday, unless otherwise approved in writing by the Director of Public Works. Saturday work, if approved, would follow the same working hours as during the work week.
- Notify businesses, residences, and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate the City's construction manager as responsible for responding to any local complaints about construction noise. The construction manager shall determine the cause of the noise complaints (for example starting too early, or a bad muffler) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the construction manager at the construction site.
- Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
  - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
  - Where feasible, use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
  - Locate stationary equipment to minimize noise impacts on the community; and
  - Minimize backing movements of equipment.
- Use quiet construction equipment whenever possible.
- Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible.
- Prohibit unnecessary idling of internal combustion engines.

b) ***Less than Significant Impact.*** Ground-borne vibration and noise is typically associated with blasting operations, the use of pile drivers, and large-scale demolition activities. The proposed project would not require the use of any of the abovementioned methods that would produce excessive ground-borne vibrations and noise. During project operation, the vehicles utilizing the area would not create ground-borne vibrations. As such, no excessive ground-borne vibrations would be generated by the proposed project and these impacts would be less than significant.

c) ***No Impact.*** The nearest public airport to the project site is the Marin County Airport (Gnoss Field), located approximately 12.5 miles to the north-northwest. The project site is also located approximately 3.6 miles southeast of the private San Rafael airport. This distance precludes the possibility that the project would expose people residing or working in the project area to excessive noise in combination with aviation noise. No impacts in this regard would occur.

XIV. POPULATION AND HOUSING — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

Environmental Setting

The project site is in open park land in the City of San Rafael, zoned for parks, and surrounded by residential, park, and conservation land uses. There are no homes located within the project site.

Discussion of Impacts

a, b) ***No Impact.*** The project would create new on-street public parking to reduce parking demand in the City of San Rafael. The increased parking availability would alleviate parking stress in the City, but would not encourage additional housing development or population growth. The project would be constructed mainly within City property and would not displace people or housing. As the project does not include new housing, it would not result in a substantial increase in population or housing units in the City. No impacts would occur.

XV. **PUBLIC SERVICES** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
Fire protection?	☐	☐	☒	☐	1
Police protection?	☐	☐	☒	☐	1
Schools?	☐	☐	☐	☒	1
Parks?	☐	☐	☒	☐	1
Other public facilities?	☐	☐	☐	☒	1

Environmental Setting

San Rafael Fire Department

The San Rafael Fire Department provides life safety emergency and non-emergency services in the areas of fire protection, technical rescue, emergency medical services, and disaster response. The Department operates 7 Fire Stations with 90 personnel 24/7 that provide these services within the City limits and other areas as defined through contracts and mutual aid agreements with bordering areas.

San Rafael Police Department

The San Rafael Police Department has been in existence since 1955. In its current configuration, the Chief of Police directs a staff of 65 sworn and 24 non-sworn employees. Patrol is the largest division led by a Captain and includes the Traffic Unit, SWAT team, and Foot-beat. The Support Services Captain oversees Investigations, which is comprised of one lieutenant, one sergeant and four detectives, one School Resource Officer, a one sergeant-two officer Directed Patrol Unit, Youth Services Counseling, Records, Property Evidence, Dispatch, Permits and Personnel and Training.

San Rafael City Schools

The San Rafael City Schools (SRCS) includes the San Rafael Elementary School District and the San Rafael High School District, with a total student population of nearly 7,000. The two districts are governed by one school board and one district office administration. The Elementary District is composed of nine schools. The High School District provides secondary education to students residing in two elementary districts: Lucas Valley School District and San Rafael Elementary District. The High School District has two comprehensive 9-12 high schools (San Rafael High and Terra Linda High) and a continuation high school (Madrone High).

Parks and Recreational Facilities

The City of San Rafael has 25 City-owned parks totaling 140 acres, eight county parks totaling 532 acres, one State park with 1,640 acres and three community centers. There are 3,285 acres of open space within the city limits of San Rafael, or approximately 25 percent of the City's land area, which is owned or in part by the City of San Rafael. There is almost 7,300 acres of combined City and County open space within San Rafael's Sphere of Influence.

Discussion of Impacts

a) ***Less than Significant Impact.*** Given the proposed project would not permanently increase the existing residential or employment population in the City, the project would not result in a long-term increase in the demand for public services, schools, public facilities or require construction of new governmental facilities. The purpose of the project is to replace an underutilized public park with on-road street parking. There will be the loss of the 0.15-acre Schoen Park as a result of the project. However, recent improvements to nearby Pickleweed Park have been made which mitigates for the loss of the public parkland. The impact to overall parks in the City of San Rafael will be less than significant. There is some potential for construction activities to slow emergency response times in a temporary and minor way due to the closure of the eastbound lane of the portion of Canal Street that passes through the project area. All public services will be notified prior to construction so they can plan accordingly. Impacts to public services would therefore be less than significant.

XVI. **RECREATION** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	1
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1

Environmental Setting

The proposed project will involve the complete removal of Schoen Park. This 0.15-acre park was deemed to be underutilized by the City of San Rafael. Currently, Schoen Park houses dilapidated workout equipment and one wooden bench. Pickleweed Park is located approximately 800 feet west of Schoen Park. In 2019 the City installed new playground equipment at Pickleweed Park to enhance its appeal.

Discussion of Impacts

a, b) ***Less than Significant Impact.*** Due to the fact that the City has deemed Schoen Park in its current state as underutilized, the loss of the park will not create a significant impact on other City park resources. The recent improvements to the nearby Pickleweed Park have improved its capacity to withstand more park goers. The loss of the park will not require the construction or expansion of recreational facilities. The impact of the project will be less than significant on recreational resources.

XVII. TRANSPORTATION — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐	1,2
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐	1,2
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	1, 3
d)	Result in inadequate emergency access?	☐	☐	☒	☐	1,2

Environmental Setting

The project site is located on public park lands of Schoen Park and encompasses the stretch of the northern lane of Canal Street from Bahia Way to Spinnaker Point Drive/Portsmouth Cove. There are sidewalks within the project area along the northern side of Canal Street. The San Francisco Bay Trail, which runs along the east side of the project site adjacent to San Rafael Bay, runs parallel to the project site adjacent to its northern boundary. The Bay trail offers pedestrian and bicycle access along the Bay's waterfront. The proposed work would be contained to an area outside of the 100-foot shoreline band, and would therefore stop short of the bay trail.

The San Rafael General Plan 2020 Circulation Element calls out San Rafael's circulation needs in the following categories: roadway improvements, school transportation, transit users, transit services, paratransit services, bicycle and pedestrian facilities, parking facilities, airport facilities, and funding needs. It also identifies the City's main highways and arterials. Highway 580, approximately 0.65 miles southwest of the project site, is the closest highway. Point San Pedro Road (0.3 miles northwest) and Bellam Boulevard (0.4 miles southwest) are the closest major arterial roads to the project site. Canal Street runs through and allows access to the project site, but is not listed as a major or minor arterial road. There are access roads to the Bay Trail off of the Canal Street sidewalk. Kerner Boulevard is the closest minor arterial road to the project site.

Discussion of Impacts

a) ***Less than Significant Impact.*** A significant impact may occur if the adopted California Department of Transportation (Caltrans) and Marin County Congestion Management Agency (CMA) thresholds for a significant project impact would be exceeded. To address the increasing public concern that traffic congestion is impacting the quality of life and

economic vitality of the State of California, the Congestion Management Program (CMP) was enacted by Proposition 111. The CMP designated a transportation network including all State highways and some arterials within the County to be monitored by local jurisdictions. If the LOS standard deteriorates on the CMP network, then local jurisdictions must prepare a deficiency plan to be in conformance with the CMP program.

The proposed project would not permanently increase traffic on local roads or highways. Traffic flow will be temporarily interrupted during construction, but no major arterials or highways will be affected. Impacts would be less than significant.

b) ***Less than Significant Impact.*** A significant impact may occur if the proposed project were to be inconsistent with provisions outlined in CEQA Guidelines section 15064.3, subdivision (b), which sets forth criteria for analyzing transportation impacts. Under the CEQA Guidelines, a lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including a qualitative analysis.

The proposed project would have little to no impact on vehicle miles traveled in and around the project site on an operational level. The creation of additional parking spaces would eliminate some travel as drivers would not have to spend as much time searching for available spaces.

Construction traffic (equipment and materials transport and daily worker traffic) would slightly increase traffic on local roads during the temporary construction phase of the proposed project. Temporary construction traffic would be limited to equipment delivery and material transport, and a few employee vehicles on a daily basis, which would be parked on-site. The temporary construction-related traffic would not result in a noticeable increase in traffic on local roads. The eastbound lane of Canal Street will be temporarily closed during construction. Control measures would be in place during the construction phase to alert motorists to potential delays. These measures would include advance warnings signs such as reflective signs, changeable message boards, cones, and/or barricades. With these measures and the temporary nature of construction-related traffic, impacts on traffic would be less than significant.

c) ***Less than Significant Impact.*** A significant impact may occur if a project were to include a new roadway design, introduce a new land use or permanent project features into an area with specific transportation requirements and characteristics that have not been previously experienced in that area, or if project access or other features were designed in such a way as to create hazardous conditions. Currently, there is inadequate street parking along the northern edge of Canal Street. The new design will maintain the current extent of Canal Street while extending the parking area into what is currently Schoen Park. The design uses smooth curbs and allows for the ROW to remain upon project completion. The impact of the new design features will be less than significant.

d) ***Less than Significant Impact.*** The proposed project is located along Canal Street. According to the San Rafael GP, Canal Street is not a major roadway. The eastbound

lane of Canal Street in the vicinity of the project area will be closed during construction activities. Additional minor delays can be expected due to slower moving construction vehicle traffic accessing the site. As stated in the standard construction BMPs outlined in the Project Description, the City or its contractor would notify and coordinate with law enforcement and emergency service providers prior to the start of construction to ensure minimal disruption to service during construction. Due to this and the short-term nature of the construction, impacts would be less than significant.

XVIII. TRIBAL CULTURAL RESOURCES — Would the project?	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐	1, 13
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐	1, 13

Environmental Setting

ALTA archaeologist Dean Martorana contacted the Native American Heritage Commission (NAHC) on November 18, 2020 to request a review of the Sacred Lands file for information on Native American cultural resources in the study area and to request a list of Native American contacts in this area. No response has been received to date. As planning proceeds, a follow up letter requesting comments from the Native American community will be incorporated into the environmental documentation as necessary.

Regulatory Setting

Assembly Bill 52

In September 2014, the California Legislature passed Assembly Bill ("AB") 52, which added provisions to the Public Resources Code ("PRC") concerning the evaluation of impacts on tribal

cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze a project's impacts on "tribal cultural resources," separately from archaeological resources (PRC Section 21074; 21083.09). Under AB 52, "tribal cultural resources" include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either (1) listed, or determined to be eligible for listing, on the state or local register of historic resources; or (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource (PRC Section 21074).

AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, 21082.3). If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss (1) whether the proposed project has a significant impact on an identified tribal cultural resource and (2) whether feasible alternatives or mitigation measures avoid or substantially less the impact on the identified tribal cultural resource (PRC Section 21082.3(b)). Finally, AB 52 required the Office of Planning and Research to update Appendix G of the CEQA Guidelines by July 1, 2016 to provide sample questions regarding impacts to tribal cultural resources (PRC Section 21083.09). AB 52's provisions apply to projects that have a notice of preparation filed on or after July 1, 2015.

Discussion of Impacts

a-i, ii) ***Less than Significant Impact with Mitigation Incorporated***. Review of historic registers and inventories indicate that no historical resources are present in the project area. No state, local, or National Register-listed or eligible properties are located within the 0.5-mile visual area of the APE. No cultural resources potentially eligible to the California Register of Historic Resources were discovered during ALTA's fieldwork. There is always the potential to uncover previously buried cultural resources. In the even that these are discovered, the appropriate tribes (e.g., Federated Indians of Graton Rancheria) will be contacted.

Furthermore, per Public Resources Code 5097.98 and Health and Human Safety Code 7050.5, if human remains are encountered, excavation or disturbance of the location shall be halted in the vicinity of the find, and the County Coroner contacted. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission, who shall identify the person or persons believed to be most likely descended from the deceased Native American in order to provide guidance on handling the remains.

Implementation of Mitigation Measure CULT-1 in Section V, along with compliance with State law, would ensure that impacts to tribal cultural resources remain less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	1
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	1
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐	1
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1

Discussion of Impacts

a) ***Less than Significant Impact.*** The proposed project calls for replacement of the underutilized Schoen Park with on-street parking. The cover of a PG&E utility box will be adjusted to match the finished grade of the new sidewalk. All sidewalks constructed will have gutters for stormwater conveyance that will connect to existing stormwater drainage systems. There is an existing water meter owned by Marin Municipal Water District that would be removed to allow for the new parking spots to be constructed. Included within the project plans is the construction of an onsite bioretention basin. The basin will collect onsite surface water that will be conveyed through the valley gutters constructed along the sidewalks. A connection to the existing municipal stormwater system would be

constructed within the bioretention basin. The proposed project would not require much power, but an on-site generator would provide any needed electricity. No other utilities or telecommunication facilities would be required or affected. Less that significant impacts would occur.

b, c) ***No Impact.*** Neither construction nor operation of the project would generate wastewater or consume potable water. As the proposed project does not have an element that would increase the residential or employment population of the area, there would be no impact related to water supply, wastewater treatment capacity, or infrastructure.

d, e) ***Less than Significant Impact.*** The project would generate soil spoils and solid waste from removal of pavement and concrete structures comprising the extent of Schoen Park. Additionally, the park equipment on-site will need to be disposed of. The 650 cubic yards of soil and existing road infrastructure will be disposed of in accordance with all applicable regulations. Other solid waste would be properly disposed of or recycled in a nearby landfill or approved disposal facility with capacity to receive the waste. Any materials used during construction would be properly disposed of in accordance with federal, state, and local regulations. Impacts related to solid waste facilities, statutes, and regulations would be less than significant.

XX.	**WILDFIRE** — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***	***Source***
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1,2
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐	1,10
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐	1
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐	1,10

Environmental Setting

The San Rafael Wildfire Prevention and Protection Action Plan outlines measures to reduce wildfire risk throughout the City. The project site is not with the Wildland Urban Interface and is therefore not designated as a Very High Severity Zone per the San Rafael Fire Department.[40] The proposed project site is on park land adjacent to Tiscornia Marsh and residential communities, with very little slope.

Discussion of Impacts

a-d) ***Less than Significant Impact.*** The proposed project would not impair an adopted emergency response plan or emergency evacuation plan due to its location on City parkland away from major roads. The project site is flat, outside the Wildland Urban Interface, and is not considered a High Severity Zone for wildfire. The project is replacing

[40] *City of San Rafael Fire Department. Wildland Urban Interface Map. Available online at: https://www.cityofsanrafael.org/prepare-for-wildfire/. Accessed June 19, 2020.*

a park with parking areas and does not require installation of additional utility infrastructure over the current baseline condition. The proposed project would pose less than significant impacts related to exacerbating or exposing people to wildfire risk.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Source*
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐	1
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1

Discussion of Impacts

a) ***Less than Significant with Mitigation Incorporation.*** The incorporation of the mitigation measures included in Section IV (Biological Resources) would reduce potential impacts to a less-than-significant level. The project site does not contain any resource listed in, or determined to be eligible by, the State Historical Resource Commission and does not contain a resource included in a local register of historic resources or identified as significant in a historical resource survey. Additionally, the project site does not contain any object, building, structure, site, area, place, record, or manuscript that a lead agency determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. However, cultural resources could potentially be uncovered during construction.

Mitigation measures included in Section V (Cultural Resources) would reduce potential impacts to a less-than-significant level.

b) ***Less Than Significant with Mitigation Incorporation.*** Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The analysis within this Initial Study demonstrates that the project would not have any individually limited, but cumulatively considerable impacts. As presented in the analysis in Biological Resources, Cultural Resources, Noise, and Tribal Cultural Resources sections, any potentially significant impacts would be less than significant after mitigation. Due to the limited scope of direct physical impacts to the environment associated with construction, the project's impacts are project-specific in nature. Compliance with the conditions of approval issued for the proposed development would further assure that project-level impacts would not be cumulatively considerable. Consequently, the project along with other cumulative projects would create a less than significant cumulative impact with respect to all environmental issues.

c) ***Less Than Significant Impact.*** With implementation of the construction measures and BMPs discussed in the Project Description, the project would not result in substantial adverse effects to human beings, either directly or indirectly.

CHECKLIST INFORMATION SOURCES

1. Professional judgment and expertise of the environmental/technical specialists evaluating the project, based on a review of existing conditions and project details, including standard construction measures and technical reports
2. City of San Rafael General Plan, 2004
3. Site Plans
4. California Department of Conservation, 2020
5. Marin Countywide Plan, 2007
6. U.S. Fish and Wildlife Service, California Department of Fish and Game, and California Native Plant Society species lists
7. Natural Resources Conservation Service, 2017
8. EnviroStor Database, 2020
9. City of San Rafael Noise Ordinance
10. ABAG Hazards Mapping, 2020
11. Bay Area Air Quality Management District, 2020
12. USGS Mineral Resources Data System, 2011
13. ALTA Archaeological Survey Report

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