

May 21, 2021

State Clearinghouse Number: 2019039167

SAN RAFAEL GENERAL PLAN 2040 & DOWNTOWN PRECISE PLAN FINAL EIR

for the City of San Rafael





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for the City of San Rafael

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Table of Contents

1.	Introduction	1-1
1.1	Purpose of the Environmental Impact Report	1-1
1.2	Environmental Review Process.....	1-1
2.	Executive Summary	2-1
3.	List of Commenters	3-1
3.1	Agencies and Service Providers	3-1
3.2	Private Companies and Organizations.....	3-1
3.3	Members of the Public	3-2
3.4	Public Hearing Comments	3-2
4.	Comments and Responses	4-1
4.1	Project Merits	4-1
4.2	Speculation without Substantial Evidence	4-3
4.3	Additional Analysis	4-4
4.4	Future Project-Specific Details	4-4
4.5	Historic Resources	4-5
4.6	Water Supply During Multiple-Dry Years.....	4-5
4.7	Individual Responses to Comments on the Draft EIR	4-6
5.	Revisions to the Draft EIR	5-1
	Chapter 4.1, Aesthetics.....	5-1
	Chapter 4.4, Biological Resources	5-2
	Chapter 4.7, Geology and Soils.....	5-5
	Chapter 4.8, Greenhouse Gas Emissions.....	5-5
	Chapter 4.12, Mineral Resources	5-7
	Chapter 4.13, Noise	5-8
6.	Mitigation Monitoring or Reporting Program.....	6-1

Appendix

Appendix J: Comment Letters

TABLE OF CONTENTS

Tables

Table 2-1	Summary of Significant Impacts and Mitigation Measures	2-2
Table 5-1	Response to Comments on the Draft EIR	4-6
Table 4.4-1	Estimated Vegetation Cover in the EIR Study Area	5-3
Table 6-1	Mitigation Monitoring and Reporting Program.....	6-2

1. Introduction

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR), which has been prepared in compliance with the California Environmental Quality Act (CEQA), provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the adoption and implementation of the proposed San Rafael General Plan 2040 and Downtown Precise Plan project, herein referred to as “proposed project.” The Draft EIR identifies significant impacts associated with the proposed project, identifies and considers alternatives to the proposed project, and identifies mitigation measures to avoid or reduce potential environmental impacts.

This Final EIR also contains text revisions to the Draft EIR. This Final EIR, together with the Draft EIR, constitutes the complete EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR. A Notice of Preparation of an EIR was issued by the City on March 29, 2019 for a 30-day-review period. A Notice of Availability was issued on January 7, 2021 and the Draft EIR was made available for public review for a 60-day public review period through March 9, 2021. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. The Draft EIR was made available for review to interested parties on the City's website at: <https://www.cityofsanrafael.org/general-plan-ceqa/>.

Written comments received on the Draft EIR are included in their original format as Appendix J, Comments Letters, of this Final EIR. These comments are also reproduced in Chapter 4, Comments and Responses, of this document, and responses to comments on environmental issues are provided.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR. However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission’s recommendations on the Final EIR and the proposed project during a noticed public hearing, and will make the final action with regard to certification of the Final EIR. The City Council will consider certification of the Final EIR at a public hearing in Summer 2021.

INTRODUCTION

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2. Executive Summary

This Final Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of approving and implementing the proposed San Rafael General Plan 2040 and Downtown Precise Plan project, herein referred to as “proposed project.” The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections, clarifications, and changes to the text and analysis of the Draft EIR, where warranted.

Table 2-1 summarizes the conclusions of the environmental analysis contained in the Draft EIR and presents a summary of impacts and mitigation measures identified. It has been reprinted from the Draft EIR. No impacts have been revised or changed since the publication of the Draft EIR. Only one mitigation measure, Mitigation Measure BIO-1, was revised after publication of the Draft EIR. This change can be seen in Chapter 5, Revisions to the Draft EIR. The final text of Mitigation Measure BIO-1 is shown below in Table 2-1.

Table 2-1 is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.18 of the Draft EIR. The table is arranged in 4 columns: 1) impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation.

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
4.3 AIR QUALITY			
Impact AIR-2.1: Construction activities associated with potential future development could potentially violate an air quality standard or cumulatively contribute to an existing or projected air quality violation.	S	Mitigation Measure AIR-2.1: To reduce temporary increases in criteria air pollutant emissions (NO _x) during the construction phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.4 (Particulate Matter Pollution Reduction) to be implemented as part of the project approval process: <ul style="list-style-type: none"> ▪ New Program: Require projects that exceed the BAAQMD screening sizes to evaluate project-specific construction emissions in conformance with the BAAQMD methodology and if construction-related criteria air pollutants exceed the BAAQMD thresholds of significance, require the project applicant to mitigate the impacts to an acceptable level. 	LTS
Impact AIR-2.2: Operational activities associated with potential future development could cumulatively contribute to the non-attainment designations of the San Francisco Bay Area Air Basin.	S	Mitigation Measure AIR-2.2: To reduce long-term increases in air pollutants during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2 (Land Use Compatibility and Building Standards) be implemented as part of the project approval process: <ul style="list-style-type: none"> ▪ New Program: Require projects that exceed the BAAQMD screening sizes to evaluate project-specific operation emissions in conformance with BAAQMD CEQA Guidelines, and if operation-related air pollutants exceed the BAAQMD-adopted thresholds of significance, require the project applicants to mitigate the impact to an acceptable level. 	SU
Impact AIR-3.1: Construction activities associated with potential future development could expose nearby receptors to substantial concentrations of toxic air contaminants.	S	Mitigation Measure AIR-3.1a: Implement Mitigation Measure AIR-2.1. Mitigation Measure AIR-3.1b: To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the construction phase for discretionary development projects that are subject to CEQA that exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards) be implemented as part of the project approval process:	LTS

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
Impact AIR-3.2: Operational activities associated with potential future development could expose sensitive receptors to substantial toxic air contaminant concentrations from nonpermitted sources.	S	<ul style="list-style-type: none"> ▪ New Program: As recommended by the California Air Resources Board, require projects that would result in construction activities within 1,000 feet of residential and other land uses that are sensitive to toxic air contaminants (e.g., hospitals, nursing homes, day care centers), as measured from the property line of the project, to prepare a construction health risk assessment in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment and the BAAQMD CEQA Guidelines that identifies mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0). <p>Mitigation Measure AIR-3.2: To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards) be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> ▪ New Program: Require applicants for industrial or warehousing land uses or commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day) to contact BAAQMD to determine the appropriate level of operational health risk assessment (HRA) required. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements and mitigated to an acceptable level. 	SU
4.4 BIOLOGICAL RESOURCES			
Impact BIO-1: Impacts to special-status species or the inadvertent loss of bird nests in active use, which would conflict with the federal Migratory Bird Treaty Act and California Fish and Game Code, could occur as a result of potential new development.	S	Mitigation Measure BIO-1: To ensure sensitive species of any kind are not adversely impacted by implementation of the proposed project, the City shall adopt revisions to General Plan Program C-1.13B and shall adopt a new program or modify an existing program to clarify the need for special-status species surveys and to ensure avoidance of nests of native birds in active use to support Policy C-1.13 (Special Status Species). Revisions to new Program C-1.13B are shown in <u>double-underlined</u> text while the new Program is in standard text:	LTS

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<p>Impact BIO-2 Impacts to riparian areas, drainages, and sensitive natural communities could occur from potential future development where natural habitat remains.</p>	S	<ul style="list-style-type: none"> ▪ Modified Program C-1.13B: Surveys for Special-Status Species. Require that sites <u>with suitable natural or anthropogenic habitat, including creek corridors through urbanized areas</u>, be surveyed for the presence or absence of special status species prior to development approval. Such surveys <u>shall be conducted by a qualified biologist according to CDFW-accepted species-specific protocol-level surveys, as applicable, and occur prior to development-related vegetation removal or other habitat modifications.</u> ▪ New or Modified Program: Avoidance of Nesting Birds. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist within a minimum of 500 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered, appropriate work avoidance buffer zones shall be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest and are no longer dependent on parental care. <p>Mitigation Measure BIO-2: To ensure sensitive riparian areas, drainages, and sensitive natural communities are not impacted through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.12 (Native or Sensitive Habitats) to ensure that sensitive natural communities are identified and addressed as part of future development review:</p> <ul style="list-style-type: none"> ▪ New or Modified Program: Surveys for Sensitive Natural Communities. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. 	LTS
<p>Impact BIO-3 Potential future development could result in direct and indirect impacts to wetland habitat.</p>	S	<p>Mitigation Measure BIO-3: To ensure that sensitive wetland habitats are not impacted directly or indirectly through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.1 (Wetlands Protection) to ensure that</p>	LTS

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
Impact BIO-4 Potential future development in the EIR Study Area could result in impacts on the movement of wildlife and potential for increased risk of bird collisions.	S	<p>jurisdictional waters are identified and addressed as part of future development review:</p> <ul style="list-style-type: none"> ▪ New or Modified Program: Surveys for Regulated Waters. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of regulated waters prior to development approval. Such surveys should be conducted by a qualified wetland specialist and occur prior to development-related vegetation removal or other habitat modifications. <p>Mitigation Measure BIO-4: To ensure that potential future development under implementation of the proposed project does not result in impacts on the movement of wildlife, the City shall adopt the following General Plan programs or amend other programs to support Policy C-1.11 (Wildlife Corridors) so that important movement corridors and the potential for increased risk of bird collisions are identified and addressed as part of future development review:</p> <ul style="list-style-type: none"> ▪ New or Modified Program: Surveys for Wildlife Movement Corridors. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of important wildlife corridors prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. ▪ New or Modified Program: Consider Risk of Bird Collision. Require that taller structures be designed to minimize the potential risk of bird collisions using input from the latest bird-safe design guidelines and best management practice strategies to reduce bird strikes. ▪ New Program: Bird Safe Design Ordinance. Develop and adopt a Bird Safe Design ordinance to provide specific criteria and refined guidelines as part of design review of new buildings and taller structures. 	LTS
4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES			
Impact CULT-1: Future development in San Rafael on sites that contain a historic resource may cause the demolition, destruction, or alteration of a historic resource such that the significance of the resource is "materially impaired." Such adverse changes or potential	S	Mitigation Measure CULT-1: To ensure sites that contain a historic resource that are subject to demolition, destruction, or alteration, are mitigated to an acceptable level, the City shall amend Program CDP-5.1A (Preservation Ordinance).	SU

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
adverse changes in the significance of a CEQA-defined historic resource would constitute a significant impact.		<ul style="list-style-type: none"> ▪ Modified Program CDP-5.1A: Update Historic Preservation Ordinance. The City of San Rafael shall modify the City’s Historic Preservation Ordinance to include updated procedures to mitigate impacts from the demolition, destruction, or alteration of historic resources. 	
Impact CULT-2: Implementation of the proposed project could have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	S	<p>Mitigation Measure CULT-2: To ensure sites where archeological resources are unearthed during the construction phase of development projects are mitigated to an acceptable level, the City shall amend Program CDP-5.13A (Archeological Resources Ordinance).</p> <ul style="list-style-type: none"> ▪ Modify Program CDP-5.13A: Update Archeological Resources Ordinance. The City of San Rafael shall modify the City’s Archeological Resources Ordinance to include construction best management practices to follow if a potentially significant archaeological resource is encountered during ground disturbing activities. 	LTS
Impact CULT-3: Ground-disturbing activities as a result of future development in the EIR Study Area could encounter human remains, the disturbance of which could result in a significant impact under CEQA.	S	<p>Mitigation Measure CULT-3: To ensure human remains that are unearthed during the construction phase of development projects are protected, the City shall adopt a new Program to support Policy CDP-5.13 (Protection of Archeological Resources).</p> <ul style="list-style-type: none"> ▪ New Program: Human Remains. Any human remains encountered during ground-disturbing activities would be required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. 	LTS
Impact CULT-4: Ground-disturbing activities as a result of future development under the proposed project could encounter Tribal Cultural Resources, the disturbance of which could result in a significant impact under CEQA.	S	Mitigation Measure CULT-4: Implement Mitigation Measures CULT-2 and CULT-3.	LTS
4.7 GEOLOGY SOILS			
Impact GEO-6: Construction activities associated with potential future development could have the potential to directly or indirectly affect a unique paleontological resource.	S	Mitigation Measure GEO-6: To ensure sensitive and unique paleontological resources are not directly or indirectly affected in the event that such resources are unearthed during project grading, demolition, or building (such as fossils or fossil-bearing deposits), the City shall adopt the following new General Plan Policy and associated Program:	LTS

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
4.8 GHG Emissions			
Impact GHG-1: Implementation of the proposed project may not meet the long-term GHG reduction goal under Executive Order S-03-05.	S	<ul style="list-style-type: none"> <li data-bbox="972 396 1713 508">▪ New Policy: Paleontological Resource Protection. Prohibit the damage or destruction of paleontological resources, including prehistorically significant fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development. <li data-bbox="972 553 1713 721">▪ New Program: Paleontological Resource Mitigation Protocol. The City shall prepare and adopt a list of protocols in accordance with Society of Vertebrate Paleontology standards that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed <p data-bbox="972 776 1713 1385">Implementation of the General Plan 2040 goals, policies, and programs would ensure that the City’s GHG emissions are reduced to the degree feasible. Policy C-5.1, Climate Change Action Plan, requires the City maintain and periodically update the CCAP. Policy C-5.1 is supported by Programs C-5.1A, C-5.1B, and C-5.1C, which require annual progress reports, quarterly forums, and identification of funding sources. Implementation of this Policy and its associated Programs would ensure the City is monitoring the CCAP’s progress toward achieving the City’s GHG reduction target and requires amendments if the CCAP is not achieving the specified level. The update would ensure the CCAP is on the trajectory consistent with the GHG emissions-reduction goal established under Executive Order S-03-05 for year 2050 and the latest applicable statewide legislative GHG emission reduction that may be in effect at the time of the CCAP update (e.g., Senate Bill 32 for year 2030). GHG inventories of existing and forecast year GHG levels. However, at this time, there is no plan that extends beyond 2030 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the state cannot meet the 2050 goal without major advancements in technology. Advancement in technology in the future could provide additional reductions to allow the state and City to meet the 2050 goal; however, no additional statewide measures are currently available.</p>	SU

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
4.9 HAZARDS AND HAZARDOUS MATERIALS			
Impact HAZ-4: Potential future development could result in construction and operation activities on sites with known hazardous materials and, as a result, create a significant hazard to the public or the environment.	S	<p>Mitigation Measure HAZ-4: To ensure that construction on sites with known contamination pursuant to the lists compiled pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control’s online EnviroStor database and the State Water Resource Control Board’s online GeoTracker database, do not result in or create a significant hazard to the public or the environment, the City shall adopt the following General Plan programs to support Policy S-5.4 (Development on Formerly Contaminated Sites) to be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> ▪ New Program: Environmental Site Management Plan. Require the preparation of an Environmental Site Management Plan (ESMP) in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control, for proposed development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control’s online EnviroStor database and the State Water Resource Control Board’s online GeoTracker database. ▪ New Program: Soil Vapor Intrusion Assessment. For sites with potential residual contamination in soil or groundwater that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements. 	LTS
4.13 NOISE AND VIBRATION			
Impact NOISE-1: Construction activities associated with potential future development could expose sensitive receptors in close proximity to a construction site to noise that exceed the City’s noise limits established in San Rafael Municipal Code Chapter 8.13, Noise.	S	Mitigation Measure NOISE-1: To ensure receptors that are sensitive to construction noise are not exposed to unacceptable construction noise levels as defined in San Rafael Municipal Code Chapter 8.13, Noise, for discretionary development projects that are subject to CEQA the City shall amend Program N-1.9B (Construction Noise) as follows:	LTS

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<p>Impact NOISE-2a: Construction activities associated with potential future development could generate excessive short-term vibration levels during project construction.</p>	S	<ul style="list-style-type: none"> ▪ Modified Program: Construction Best Management Practices. The City shall establish a list of construction best management practices to be implemented during the construction phase and incorporated into San Rafael Municipal Code Chapter 8.13, Noise. The City of San Rafael Building Division shall verify that these notations, as appropriate, are on the demolition, grading, and construction plans prior to issuance of demolition, grading and/or building permits. <p>Mitigation Measure NOISE-2a: To ensure receptors, both buildings and people, that are sensitive to vibration from construction noise are not exposed to unacceptable vibration levels from discretionary development projects that are subject to CEQA the City shall revise General Plan Program N-1.11A (Vibration-Related Conditions of Approval) to support Policy N-1.11 (Vibration) be implemented as part of the project approval process. Revisions to Program N-1.11A are shown in <u>double-underlined</u> text:</p> <ul style="list-style-type: none"> ▪ Modified Program N-1.11A: <u>Construction Vibration-Related Conditions of Approval.</u> Adopt standard conditions of approval <u>in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various types of buildings be applied</u> to reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as <u>older or historically significant buildings and structures</u>, housing, and schools. <u>If vibration levels exceed the FTA limits, the condition of approval shall identify alternative uses, such as drilling piles instead of pile driving and static rollers instead of vibratory rollers.</u> Construction vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. 	LTS
<p>Impact NOISE-2b: Operational activities associated with potential future development could generate excessive long-term vibration levels.</p>	S	<p>Mitigation Measure NOISE-2b: To ensure receptors that are sensitive to operational vibration from commercial or industrial uses are not exposed to unacceptable vibration levels from discretionary development projects that are subject to CEQA the City shall, shall adopt the following General Plan Program to support Policy N-1.11 (Vibration) be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> ▪ New Program: Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne 	LTS

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Environmental Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
<p>vibration from commercial or industrial uses to reduce long-term vibration impacts at existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences. Operational vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects.</p>			
4.16 TRANSPORTATION			
<p>Impact TRAN-1a Implementation of the proposed project would result in a significant land use VMT impact for Total VMT and Work VMT due to forecast land use growth through 2040, based on a comparison of the VMT rate increment for Total VMT Per Service Population and Work VMT Per Employee to the corresponding average baseline rates for the full nine-county Bay Area.</p>	S	<p>Mitigation Measure TRAN-1a: To reduce vehicle miles traveled the City shall modify Program M-3.3A (TDM Program Guidelines) to support achievement of the VMT reduction Standard:</p> <ul style="list-style-type: none"> ▪ Modified Program 3-3A: Update Trip Reduction Ordinance. Develop TDM Program Guidelines. The City of San Rafael shall modify the Trip Reduction Ordinance (TRO) to reflect General Plan 2040 Policy M-3.1 and focus on VMT reduction measures. The amended TRO shall include the City’s VMT reduction thresholds, VMT reduction measures and program guidelines, and a VMT trip reduction monitoring process. The TRO shall be updated a minimum of every five years to reflect changes in baseline VMT values, VMT thresholds, VMT reduction measures, and the monitoring process. The modified TRO shall reflect the process and methodology for conducting the VMT analysis for development projects as described in the City’s Transportation Analysis (TA) Guidelines. 	SU
<p>Impact TRAN-1b: Implementation of the proposed project would result in a significant road network VMT impact due to the planned capacity of the roadway system.</p>	S	<p>Mitigation Measure TRAN-1b: Implement Mitigation Measure TRAN-1a.</p>	SU
<p>Impact TRAN-6: Implementation of the proposed project could cumulatively contribute to regional VMT.</p>	S	<p>Mitigation Measure TRAN-6: Implement Mitigation Measure TRAN-1a.</p>	SU

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3. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and private individuals. Each comment letter and comment has been assigned a letter and a number as indicated below. The comments are organized and categorized by:

- GOV = Agencies and Service Providers
- ORG = Private Companies and Organizations
- PUB = Members of the Public
- PH = Public Hearing Comments

3.1 AGENCIES AND SERVICE PROVIDERS

- GOV1 Meng Heu, State of California Office of Planning and Research- State Clearinghouse, January 7, 2021
- GOV2 David Davenport, Golden Gate Highway and Transportation District, January 11, 2021
- GOV3 Derek McGill, Transportation Authority of Marin, March 3, 2021
- GOV4 Mark Leong, Caltrans, March 9, 2021
- GOV5 Amanda Culpepper, California Department of Fish and Wildlife, March 9, 2021
- GOV6 Gregg Erickson, California Department of Fish and Wildlife, March 10, 2021
- GOV7 Mikayla Vaba, State of California Office of Planning and Research- State Clearinghouse, March 10, 2021

3.2 PRIVATE COMPANIES AND ORGANIZATIONS

- ORG1 Peter M. Spoerl, Ragghianti Freitas LLP, January 25, 2021
- ORG2 Peter M. Spoerl, Ragghianti Freitas LLP, January 25, 2021
- ORG3 Linzy Klumpp, San Rafael Heritage, March 5, 2021
- ORG4 Barbara Salzman, Marin Audubon Society, March 9, 2021
- ORG5 William Carney, Sustainable San Rafael, March 9, 2021
- ORG6 Ross Campbell, San Rafael Rock Quarry, March 9, 2021
- ORG7 Barbara Salzman, Marin Audubon Society, October 27, 2019

LIST OF COMMENTERS

3.3 MEMBERS OF THE PUBLIC

- PUB1 Liza Wozniak, February 19, 2021
- PUB2 Michael Smith, March 5, 2021
- PUB3 Leslie Simons, March 6, 2021
- PUB4 Leslie Simons, March 7, 2021
- PUB5 Leslie Simons, March 8, 2021
- PUB6 Liza Wozniak, March 8, 2021
- PUB7 Leslie Simons, March 9, 2021
- PUB8 Leslie Simons, March 9, 2021
- PUB9 Victoria DeWitt, March 9, 2021

3.4 PUBLIC HEARING COMMENTS

- PH1 Comments from the Planning Commission Public Hearing on March 9, 2021

4. Comments and Responses

This chapter includes a reproduction of, and responses to, each significant environmental issue raised during the public review period. Comments are presented in their original format in Appendix J, Comment Letters, of this Final Environmental Impact Report (EIR), along with annotations that identify each comment number. Comment letters in this chapter follow the same order as listed in Chapter 3, List of Commenters, of this Final EIR. The comments are organized and categorized by:

- GOV = Agencies and Service Providers
- ORG = Private Companies and Organizations
- PUB = Members of the Public
- PH = Public Hearing Comments

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Letters are identified by category and each comment is labeled with the comment reference number in the margin. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to analysis presented in the Draft EIR, these revisions are explained and shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR.

All comments included in this document are formally acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.

4.1 PROJECT MERITS

The potential environmental impacts of the adoption and implementation of the proposed San Rafael General Plan 2040 and Downtown Precise Plan project (proposed project) was the subject of the Draft EIR. During the review of the Draft EIR, commenters raised issues that relate to qualities of the proposed project itself, economic or financial issues (referred to here as “project merits”), and general questions and clarifications rather than the environmental analyses or impacts and mitigations raised in the EIR. Similarly, some comments provided in response to the Draft EIR express opinions for or against the project, or a project alternative. These comments also do not pertain to the adequacy of the analysis or conclusions in the Draft EIR, rather, these opinions also relate to the “project merits”.

Per the California Environmental Quality Act (CEQA) Guidelines Section 15358(b), CEQA is an environmental protection statute that is concerned with physical changes in the environment. The environment includes land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the proposed project’s potentially significant physical impacts on the environment and does not include a discussion of the project merits.

COMMENTS AND RESPONSES

Just as the focus of the Draft EIR is on the proposed project's physical impacts on the environment, the focus of the comments on the Draft EIR should also be on the physical environmental impacts. Section 15204(a) of the State CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

In the Final EIR, the lead agency must evaluate comments on the Draft EIR and prepare written responses to significant environmental issues raised by commenters (CEQA Guidelines Sections 15088(c), 15132(d) and 15204(a)). Comments that do not raise a significant environmental question do not necessitate a response (*Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549). The lead agency also need not respond to general reference materials submitted in support of comments (*Environmental Protection Info. Ctr. v. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 483-484). Therefore, in accordance with Section 15204(a), the City is not required to respond to comments that express an opinion or concern about the project merits, but do not relate to environmental issues covered in the Draft EIR. Therefore, because comments regarding the project merits do not pertain to the potential for significant physical environmental impacts, they are not responded to in the Final EIR.

Lead agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. Although such opinions and comments on the project merits that were received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input to the process of reviewing the project overall. Therefore, project merits and opinion-based comment letters are included in the EIR to be available for consideration by the decision-makers at the merits stage of the project. The Planning Commission and City Council will hold publicly-noticed hearings to consider action on the merits of the project for approval or disapproval. The Planning Commission and City Council will consider both the EIR and project merit issues that have been raised.

4.2 SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised, but do not provide substantial evidence in support of their assertion. Predicting the project's physical impacts on the environment without firm evidence based on facts to support the analysis would require a level of speculation that is inappropriate for an EIR.

CEQA Section 21082.2(a) requires that the lead agency "shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." CEQA Guidelines Section 15384(a) clarifies that "substantial evidence"... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment, does not constitute substantial evidence." CEQA Guidelines Section 15384(b) goes on to state that "substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Where there are no facts available to substantiate a commenter's assertion that the physical environment could ultimately be significantly impacted as a direct result of the project, the City acting as the lead agency is not required to analyze that effect, nor to mitigate for that effect. CEQA Guidelines Section 15204(c) advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the CEQA Guidelines states, even "[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."

CEQA Guidelines Section 15145 provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

COMMENTS AND RESPONSES

4.3 ADDITIONAL ANALYSIS

During the review period for the Draft EIR, public comments requested additional analysis, mitigation measures, or revisions that are not provided in this Final EIR for reasons more specifically addressed in the individual comments. As described above, CEQA Guidelines Section 15204(a) provides that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA Guidelines Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Under CEQA, lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

4.4 FUTURE PROJECT-SPECIFIC DETAILS

The proposed project that is the subject of this EIR consists of General Plan 2040 and the Downtown Precise Plan, which are plans that will guide future development within the city of San Rafael, including the downtown area, over a 20-year buildout horizon. No specific development projects are included as part of the proposed project.

As described in detail in Chapter 1, Introduction, of the Draft EIR, this EIR is a programmatic EIR. All future development within the city of San Rafael requiring discretionary actions, would be subject to project-specific environmental review as required by CEQA. Project-specific environmental analyses may tier from this EIR. Under a program-level EIR approach, in order to identify whether additional analysis would be necessary when a future development project is proposed, the City, acting as the lead agency, would need to determine the following:

- Whether the planned characteristics of the future project would be substantially different from those defined in the programmatic EIR;
- Whether the future project would require additional mitigation measures; or
- Whether specific future project impacts were not evaluated in sufficient detail in the programmatic EIR.

COMMENTS AND RESPONSES

If any of these conditions apply and the subsequent activity (i.e., future project) would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the future project qualifies for an exemption from the CEQA process.

4.5 HISTORIC RESOURCES

Some of the standards for historic resources in the Draft Downtown San Rafael Precise Plan were modified during the public review process in response to comments. The changes were evaluated and determined to not have a material effect on the findings and conclusions of the Draft EIR, which were determined to be significant and unavoidable.

4.6 WATER SUPPLY DURING MULTIPLE-DRY YEARS

The Marin County Board of Supervisors declared a drought state of emergency on May 18, 2021 in response to historic dry conditions in the county. This declaration follows action by Marin Water (formerly called Marin Municipal Water District) and the Marin County Board of Supervisors to impose mandatory water restrictions on county residents. Following these actions, the Marin Water board requested staff return to a June 1, 2021 meeting with a draft moratorium ordinance that would suspend water hookups in the county to further reduce water consumption.

As stated in Section 3.1, Background, of Chapter 3, Project Description, of the Draft EIR, the General Plan is a comprehensive long-range plan for physical development in the city and is the community's overarching policy document that defines a vision for future change. As stated in Section 3.8, 2040 Development Projections, of the same chapter, the city is anticipated to grow by approximately 8,910 persons and 4,460 housing units between completion of this Final EIR in May 2021 and the General Plan horizon year of 2040.

As required by CEQA, the Draft EIR for the General Plan 2040 and Downtown Precise Plan (collectively referred to as the "proposed project") include an analysis of water supply for the EIR Study Area. This analysis is included in Section 4.17.1, Water Supply, in Chapter 4.17, Utilities and Service Systems, of the Draft EIR. This analysis includes a discussion of the federal, state, regional, and local regulatory setting related to water supply, including water conservation efforts and water management. Regional regulations included in this section include Marin Water's 2015 Urban Water Management Plan (UWMP) that also serves as the basis for the analysis in the Draft EIR. The UWMP describes water demands, water supply sources, and supply reliability for its service areas in five-year increments for average years, single dry years, and multiple dry years, along with water contingency planning in cases of shortage emergencies, along with demand management measures to increase water use efficiency, and current and planned water conservation efforts.

Chapter 4.17, Utilities and Service Systems, of the Draft EIR provides the projected water demand and water supply in Section 4.17.1.1, Environmental Setting. Table 4.17-3 shows comparisons for the Marin Water service area for normal, single-dry, and multiple-dry years. The projections in Table 4.17-3 are intentionally conservative because they do not account for conservation efforts that may result from the

COMMENTS AND RESPONSES

Marin Water conservation program. This approach, while conservative, was intended to safeguard against potential future shortages by projecting the highest level of demand that could be anticipated through buildout of the proposed project, ensuring that any potential shortages of this demand could be alleviated by active conservation measures at the time they are needed. Such active conservation measures include the measures underway during publication of this Final EIR to adopt a moratorium ordinance to suspend new water hookups in the Marin Water service area, which includes the city of San Rafael.

As determined in Impact Discussion UTIL-1, a general plan is not considered a project under Senate Bill 610 that requires the preparation of a Water Supply Assessment (WSA). Instead, a general plan relies on information prepared by the water supplier in the UWMP to demonstrate that the proposed population increase would not create a water demand that would exceed the supply in normal, dry, and multiple dry years. Future projects under the General Plan 2040 that meet the criteria under California Water Code Section 10912 would be required to prepare a WSA. As stated on page 4.17-16, the Draft EIR calculated future water demand rate by multiplying the current water demand rate by the proposed population increase in the EIR Study Area. This projected water demand rate is considered an overly conservative figure because it does not account for future passive and active water conservation efforts which reduce per capita water demand over time. Table 4.17-4 illustrates that the Draft EIR conservatively estimates an increase of 1,098 acre-feet per year (afy) in water demand at buildout of the proposed project in 2040. Because the proposed project is a long-range planning document to be implemented through the next 20 years, this increase in water demand would occur incrementally over time and not all at one. As shown in Table 4.17-3, in the year 2040, Marin Water will have a residual water supply capacity of 110,685 afy for a normal year and 18,333 afy at the end of three multiple dry years. Therefore, Impact Discussion UTIL-1 concludes that Marin Water would have sufficient water supply to meet demand of the potential future buildout in the EIR Study Area as a result of the proposed project.

Ultimately, the Draft EIR concludes that, without accounting for extreme conservation measures, Marin Water would have sufficient water supply to meet demand for potential future development which would occur incrementally over a 40-year period. The drought emergency declared by the Marin County Board of Supervisors on May 18, 2021 does not impact the conclusion made in the Draft EIR.

4.7 INDIVIDUAL RESPONSES TO COMMENTS ON THE DRAFT EIR

Responses to individual comments on the Draft EIR are presented in Table 5-1. Individual comments are reproduced from the original versions in Appendix J, Comment Letters, of this Final EIR, along with the comment numbers shown in Appendix J, followed by the response.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
A. Governmental Agencies		
GOV1	Meng Heu, California State Clearinghouse Office of Planning and Research	
GOV1-1	<p>Your project is published and the review period has begun. Please use the “navigation” and select “published document” to view your project with attachments on CEQAnet.</p> <p>Closing Letters: The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.</p> <p>Please visit: https://ceqanet.opr.ca.gov/Search/Advanced Filter for the SCH# of your project OR your “Lead Agency” If filtering by “Lead Agency” Select the correct project Only State Agency comments will be available in the “attachments” section: bold and highlighted</p> <p>Thank you for using CEQA Submit.</p>	<p>The comment is a confirmation of receipt and of the beginning of the public review period of the Draft EIR from the State Clearinghouse. No response is required.</p>
GOV2	David Davenport, Senior Planner, Golden Gate Bridge Highway and Transportation District	
GOV2-1	<p>The Golden Gate Bridge, Highway and Transportation District (District) operates Golden Gate Transit bus service on streets that will be affected by the proposed Downtown Precise Plan. The District also operates some Marin Transit bus service as one of that agency’s contractors. All this service operates to/from the District-owned C. Paul Bettini Transit Center on the block bounded by Second and Third Streets, and Tamalpais Avenue and Hetherton Street. District staff reviewed the plan and offers the following comments:</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses GOV2-2 through GOV2-4.</p>
GOV2-2	<ul style="list-style-type: none"> • Figure 6.23 should be updated as follows: <ul style="list-style-type: none"> o A high frequency bus route should be marked along the following street segments: <ul style="list-style-type: none"> ▪ Tamalpais Avenue between Second and Third Streets ▪ Second and Third Streets between Tamalpais Avenue and Hetherton Street, and between Irwin Street and Grand Avenue ▪ Grand Avenue south of Third Street o A moderate frequency bus route should be marked along Third Street from Tamalpais Avenue to Cijos Street and along Cijos Street from Third Street to Fourth Street. This routing operates in the westbound/northbound direction and is a companion to the eastbound route already depicted on Fourth Street between Cijos and Hetherton Streets. o A low frequency bus route should be removed from C Street, and added to Lincoln Avenue south of Second Street. 	<p>The comment is noted. The comment requests edits to Figure 6.23, Transit Priority Network, in the Draft Downtown Precise Plan. Figure 6.23 is not included as part of the Draft EIR. Revisions to this figure would not result in changes to any analysis presented in the Draft EIR. Further, the comment does not address the adequacy of the analysis contained in the Draft EIR and no further response is warranted.</p>
GOV2-3	<ul style="list-style-type: none"> • The street transformations for Fourth Street (between H and E Streets, between E Street and Tamalpais Avenue, and between Tamalpais Avenue and Hetherton Street) propose travel lane widths of less than 12 feet. While this is sufficient for streets with two travel lanes in the same direction, lanes widths should be 12 feet on bi-directional two-lane streets that have bus service. 	<p>The street cross-sections and related dimensions in the Draft Downtown Precise Plan are provided for illustrative purposes and are intended to serve as guidelines. The ultimate configuration, placement, and dimensions will be determined during subsequent detailed design processes, resulting in refined street designs based on the context of the surrounding built environment. When funding is identified and future project design efforts are initiated for any modifications to Fourth Street, the City of San Rafael will collaborate with the applicable agencies and organizations and will undergo any applicable environmental review necessary.</p>
GOV2-4	<ul style="list-style-type: none"> • A project to replace the transit center is currently undergoing environmental review. Depending upon where a future facility is sited, the need for 12-foot travel lanes may also apply to the segment of Fourth Street between Irwin Street and Grand Avenue. In addition, while existing bus service operates only in the eastbound direction of Fourth Street between Cijos and Hetherton Streets, this service may become bidirectional as part of a relocation. 	<p>The comment provides information regarding the relocation of the San Rafael Transit Center in the Downtown Precise Plan Area. As noted in Chapter 4.16, Transportation, of the Draft EIR, the Golden Gate Bridge Transportation and Highway District is undertaking the relocation analysis, environmental clearance, and preliminary design process of the relocation initiative. The comment does not address the adequacy of the analysis contained in the Draft EIR and no further response is warranted.</p>
GOV3	Derek McGill, Planning Manager, Transportation Authority of Marin	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
GOV3-1	<p>Within the general plan and its accompanying draft Environmental Impact Report, the city has taken progressive steps towards addressing how to assess transportation impacts in alignment with SB 743. TAM supports these efforts and the process laid out in the general plan. TAM in our role as congestion management agency for Marin County, continues to be responsible for preparing a congestion management program responsible for assessing regional traffic impacts from local developments and land use plans. TAM assists local jurisdictions in developing methodologies to assess the performance of the transportation network and is appreciative of the city’s effort on coordination of transportation planning efforts with TAM. The most recent copy of this report, and TAMs approach to implementing the CMP is available on our website here: https://www.tam.ca.gov/congestion-management-program/.</p>	<p>The comment expresses support for the proposed project and its congruency with the Transportation Authority of Marin's approach to implementing the Congestion Management Plan. This comment does not address the adequacy of the Draft EIR.</p>
GOV3-2	<p>As a number of transportation impacts in the DEIR are identified as significant and unavoidable, TAM recognizes that mitigations to these transportation impacts rely on coordination and implementation of policies, plans and programs to address these impacts. TAM is encouraged by the mitigation measures identified in the DEIR, and where partnership with TAM programs such as safe routes to schools or transportation demand management programs (including green commute programs such as marincommutes, bikeshare and first-last mile programs) can be strengthened with supportive policies and ordinances, TAM is pleased to coordinate and support these efforts where feasible.</p>	<p>The comment expresses support for the proposed project but does not address the adequacy of the Draft EIR. No response is required.</p>
GOV3-3	<p>Additionally, with changes to transportation analysis under SB 743, TAM recognizes that the CMP is no longer required to be considered as part of the transportation analysis in the DEIR, resulting in inconsistencies placed on local agencies in addressing LOS and VMT in transportation planning. However, as locally adopted plan, an assessment of the consistency of the CMP should be included in the DEIR and General Plan, potentially as part of its analysis for consistency with local plans. Since segments of local arterials in San Rafael are identified as part of the CMP network, the provisions of the CMP apply to these roadways. To the extent feasible, the GP/DEIR should reflect the CMP network that exists within the city, and the current and future projected LOS on these roadways to ensure consistency with the CMP will occur in the current condition and future buildout of the plan. TAM would be happy to coordinate further on the methodology and process for completing this assessment should the city need any assistance in doing so.</p>	<p>As noted, SB 743 eliminated Level of Service (LOS) from CEQA noting that “automobile delay, as described solely by level of service or similar measures of vehicle capacity or traffic congestion shall not be considered a significant impact on the environment”. As such, this EIR does not include an assessment of LOS. Additionally, under Government Code Sections 65088.4(b) and (c) added by SB 743, cities and counties may designate infill opportunity zones that exempt these areas from CMP analysis. The City of San Rafael plans to designate the transit priority area in Downtown San Rafael as an infill opportunity zone through resolution with the adoption of the General Plan 2040 Update. This would exempt the portions of 2nd Street and 3rd Street in Downtown San Rafael that are part of the CMP Network from Marin County CMP LOS analysis requirements, which establish LOS D standards for urban arterial roadways. This is consistent with the purpose of SB 743 to reduce greenhouse gas emissions, encourage infill development, and promote increased use of active travel modes like walking and biking. No revisions to the Draft EIR have been made in response to this comment.</p>
GOV4	Mark Leong, District Branch Chief, Caltrans	
GOV4-1	<p>Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the January 2021 DEIR.</p> <p>Project Understanding The city of San Rafael has prepared a Draft General Plan 2040 to guide land use and development, and a Draft Downtown Precise Plan has been prepared to revitalize and enhance the Downtown Area. Development under the proposed General Plan 2040 would consist of up to 2,260 new residential units, 3,570 residents, and 2,020 employees. The city of San Rafael is bisected by US-101 in the north-south direction and Interstate (I)-580 in the east-west direction.</p> <p>Traffic Impact Analysis With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans uses Vehicle Miles Traveled (VMT) to assess Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide.</p>	<p>The comment serves as an introduction to the comments that follow. The comment also provides a review of the proposed project and expresses support for the proposed project. Please see Responses GOV4-2 through GOV4-4.</p>
GOV4-2	<p>Based on the DEIR, the implementation of the proposed project would result in a significant land use VMT impact for total VMT and work VMT due to forecast land use growth through 2040. Caltrans commends Mitigation Measures TRAN-1a and TRAN-1b to reduce VMT. However, the effectiveness of VMT reductions strategies is not certain and the programmatic nature of the project may limit the availability of additional mitigation measures. Therefore, the VMT impact remains</p>	<p>The comment expresses support for the proposed project and Mitigation Measures TRAN-1a and TRAN-1b. No response is required.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	significant and unavoidable even with the implementation of mitigation measure TRAN-1a and TRAN-1b.	
GOV4-3	It is worth mentioning that the DEIR also proposed Alternative B: Greater Residential Growth, which would yield more residential units, but the total VMT Per Service Population and work VMT Per Employee under Alternative B would be less than the proposed project. Caltrans encourages the Lead Agency to provide more information regarding how the proposed project is preferred over Alternative B.	The comment requests further explanation on the difference between the proposed project and Alternative B, Greater Residential Growth, of the Draft EIR. The proposed project was chosen as the preferred project, over Alternative B, because Alternative B is inconsistent with regional projections in <i>Plan Bay Area 2040</i> and with other adopted regional plans. Although Alternative B was determined to be the environmentally superior alternative in Chapter 5, Alternatives, of the Draft EIR, the proposed project is considered the preferred project because it is in line with regional plans and population projections. The comment does not address the analysis contained in the Draft EIR and no further response is warranted.
GOV4-4	<p>Lead Agency</p> <p>As the Lead Agency, the City of San Rafael is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibility as lead agency monitoring should be fully discussed for all proposed mitigation measures.</p> <p>Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR@dot.ca.gov.</p>	The comment provides a conclusion for the previous comments. Please see Responses GOV4-1 through GOV4-3.
GOV5	Amanda Culpepper, Environmental Scientist, California Department of Fish and Wildlife	
GOV5-1	I'm getting a CEQA comment letter ready for signature from my Regional Manager and I unfortunately am not sure we'll be able to make the March 9 deadline. Would you be willing to extend the comment deadline for us to March 15?	The comment requests an extension to the public comment period. The CEQA letter referred to by the commenter was submitted on March 10, 2021, and is included in this document as comment letter GOV6.
GOV5-2	<p>Thank you, I appreciate the extension to March 12, we should be able to meet that deadline.</p> <p>The informal comments (not yet approved by my Regional Manager) are as follows:</p> <ol style="list-style-type: none"> 1. We recommend you include a tiering checklist for later projects that may rely on the General Plan EIR as a Program EIR. This could be similar to the checklist for infill projects in the CEQA Guidelines Appendix N. This will help clarify when a project would require an additional CEQA document. 2. We recommend you include Sacramento River winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>, pop. 7), CESA and federally listed as endangered, in your list of special-status species and generally limit any in-water work in the SF Bay so that it avoids the migration season (Nov. 1 to June 30) 3. We recommend you include Pacific herring (<i>Culpea pallasii</i>) in your list of special-status species as they are commercially, ecologically, and recreationally valuable and they spawn in SF Bay. Limit any in-water work in the SF Bay so that it avoids the spawning season (December 1 to March 31). 4. We recommend updating the policies/Mitigation Measures to include anthropogenic habitat in addition to "natural" habitat. Special-status species, particularly bats, can roost in human-made structures such as buildings, bridges, and culverts. Human-altered habitat (i.e., not necessarily natural) can also provide habitat for species, including ornamental trees used by nesting birds or road-side ditches used by frogs, etc. 5. We recommend including a 500-foot buffer around project sites for pre-construction nesting bird surveys to account for disturbance impacts to nesting birds. 6. We recommend that pre-construction nesting bird surveys occur no more than seven days prior to project implementation. 7. We recommend revising Table 4.4-1 as the totals/sub-totals are mismatched and the percentages add up to greater than 100%. 	This comment provides an overview of recommendations from the California Department of Fish and Wildlife. These comments are outlined in further detail in comment letter GOV6. Please see Responses GOV6-1 through GOV6-13.
GOV6	Gregg Erickson, Regional Manager, California Department of Fish and Wildlife	
GOV6-1	The California Department of Fish and Wildlife (CDFW) reviewed the draft Environmental Impact Report (EIR) provided for the City of San Rafael General Plan 2040 and Downtown Precise Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW is submitting comments on the draft EIR to inform the City of San Rafael	This comment provides an introduction to the California Department of Fish and Wildlife (CDFW) and its agency role. No response is required.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>(City) as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.</p> <p>CDFW Role</p> <p>CDFW is a Trustee Agency pursuant to CEQA Guidelines section 15386 and has authority to comment on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.</p>	
GOV6-2	<p>Project Description and Location</p> <p>Proponent: City of San Rafael</p> <p>Objective and Location: The Project is an update to the City of San Rafael 2020 General Plan, adopted in 2004, through the year 2040, and the Downtown Precise Plan, which specifically addresses growth and development in downtown San Rafael. The Project location covers the entirety of the City of San Rafael as well as surrounding unincorporated Marin County which could be incorporated into San Rafael within the life of the Project, and nearby portions of San Rafael Bay and San Pablo Bay. Specific changes to the General Plan include updates to objectives, policies, and programs, and identification of maximum thresholds for land use categories and planned buildout within the Project area by year 2040. Full buildout is projected to include a 15% increase in residential units.</p>	This comment provides an overview of the proposed project. No response is required.
GOV6-2 cont...	<p>Environmental Setting</p> <p>Located in the City of San Rafael and surrounding areas, the Project area encompasses approximately 25,600 acres. The Project area is bordered by San Pablo Bay and San Rafael Bay to the east, the City of Novato to the north, the City of Larkspur and Town of Ross to the south, and the City of San Anselmo and unincorporated Marin County to the west. The Project area is approximately 39% developed urban core bordered by approximately 55% remaining undeveloped areas including woodland, forests, grasslands, scrub, and chaparral in the surrounding hillsides and ridges. Riparian woodland remains along some streams and drainages and bay marshland remains on the shoreline of San Pablo Bay and the lower reaches of major streams. Sensitive and special-status species have the potential to occur within the Project area and in the adjacent areas where they could be impacted, including but not necessarily limited to special-status native plants, fish, and wildlife.</p>	
GOV6-3	<p>Comments and Recommendations</p> <p>CDFW offers the following comments and recommendations below to assist City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.</p>	The comment serves as an introduction to the comments that follow. Please see Responses GOV6-4 through GOV6-16.
GOV6-4	<p>Tiering and Subsequent Project Checklist</p> <p>The draft EIR is identified as a Program EIR that "is not project specific and does not evaluate the impacts of individual projects that may be proposed in the future under the General Plan 2040 and Downtown Precise Plan. However... later activities that are within the scope of the effects examined in the program EIR, may qualify for a streamlined environmental review process or may be exempt from environmental review" (page 1-2). While program EIRs have a necessarily broad scope, CDFW recommends providing as much additional information related to anticipated types of residential and non-residential development as possible, particularly that may occur in the marine environment near the waterfront [CEQA Guidelines, 15168, subd. (c)(5)]. Depending on the type of development proposed and the impact to</p>	The comment describes the programmatic nature of the Draft EIR and the fact that the Draft EIR does not evaluate individual construction projects. The comment notes that the California Department of Fish and Wildlife recommends providing additional information related to the types of development that could occur under implementation of the proposed project. As the commenter notes, the proposed project and the Draft EIR are programmatic in nature and therefore do not include specific information regarding the exact types and location of development. As described in the Draft EIR, potential future development would occur on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, on sites where known or unknown biological resources are unlikely to occur, including in marine ecosystems as mentioned by the commenter. In the event

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	specific habitat, CDFW may have further comments if the draft EIR is recirculated or for future tiered projects to avoid and minimize potential impacts to marine species and habitat.	that potential future development is proposed on or near sites with potential biological resources, such development would undergo appropriate environmental review as required by CEQA and the California Department of Fish and Wildlife would be notified through the standard Notice of Preparation process. The comment does not address the analysis contained in the Draft EIR and no further response is required.
GOV6-5	CDFW recognizes that pursuant to CEQA Guidelines section 15152, subdivision C, if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other Program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.	Chapter 4.4, Biological Resources, of the Draft EIR, provides a detailed assessment of the potential impacts of implementing General Plan 2040, including Mitigation Measures BIO-1 through BIO-4, which address future project-level biological resources review through either revisions to existing General Plan programs or development of new programs addressing special status species surveys, avoidance of nesting birds, surveys for sensitive natural communities, surveys for regulated waters, surveys for wildlife movement corridors, risk of bird collision and bird-safe design guidelines. Since these programs are implemented at the project level, they ensure comprehensive analysis for the biological resource issues addressed in the Draft EIR.
GOV6-5 cont...	When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the draft EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the draft EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measure from the draft EIR.	
GOV6-6	<p>Special-Status Species with the Potential to Occur in the Project Area</p> <p>CDFW reviewed the list of potential special-status species within the Project area (pages 4.4-9 to 4.4-24 and Appendix E). CDFW recommends including species that are commercially, recreationally, and ecologically significant.</p> <p>The Project area includes open bay waters home to numerous marine fish species and commercial fisheries, and subsequent projects may involve shoreline development and in-water work which could significantly impact fish species. Some of these fish species are part of culturally and historically important fisheries that CDFW manages. Project impacts to these species are potentially significant because they could "interfere substantially with the movement of any native residents or migratory fish or wildlife species... or impede the use of native wildlife nursery sites," but have not been identified in the draft EIR (CEQA Guidelines Appendix G). The draft EIR should identify the species listed below that could be significantly impacted from the Project or future projects that may rely on the draft EIR as a program EIR, and the identified mitigation measures. If these species are not identified as having the potential to occur in or adjacent to the Project area and be impacted, the draft EIR would not ensure impacts are mitigated to less-than-significant. Therefore, the Project has the potential to significantly impact these species.</p>	<p>The concerns of the commenter regarding the inclusion of the winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>) and the Pacific herring (<i>Culpea pallasii</i>) are noted. The Sacramento River winter-run Evolutionarily Significant Unit (ESU) of chinook salmon (known as pop 7.) is listed as endangered under the ESA and CESA. The San Francisco Bay, including the open waters within the EIR Study Area, are identified as critical habitat for Sacramento River winter-run ESU by the National Marine Fisheries Service. Winter-run Chinook enter the San Francisco Bay from November through June where they then migrate upstream into the Delta and Sacramento River watershed. As noted by the commenter, to avoid potentially significant impacts of construction in bay waters on winter-run Chinook, the CDFW recommends in-water work avoid the migration season from November 1 through June 30.</p> <p>Table 4.4-3 in the DEIR and Table 3 in the Biological and Wetland Resources Background Report contained in Appendix E of the Draft EIR include the Central Valley Spring-run ESU as one of the special-status animal species known or suspected from the EIR Study Area. Given that the Sacramento River winter-run ESU must pass through the open waters of the EIR Study Area as well, they should be included in Table 4.4-3 as well. In response to the comment, Table 4.4-3 on pages 4.4-19 through 4.4-24 of the Draft EIR has been revised to include information on Sacramento River winter-run ESU. These revisions are reflected in Chapter 5, Revisions to the Draft EIR, of this Final EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
	<p>1) Winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>, pop. 7.) Sacramento River winter-run Chinook salmon is CESA and federally listed as endangered. Additionally, the San Francisco Bay, including the Project area, is identified as critical habitat by the National Marine Fisheries Service. Winter-run Chinook enter the San Francisco Bay for migration upstream from November through June. To avoid potentially significant impacts to winter-run Chinook, CDFW recommends in-water work avoid the migration season, November 1 to June 30.</p>	As noted by the commenter, Pacific herring is managed by the State for its commercial, recreational, and ecological value. Pacific herring spawn within San Francisco Bay, including the open waters within the EIR Study

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>2) Pacific herring (<i>Culpea pallasii</i>). Pacific herring is state managed for its commercial, recreational, and ecological value and should be included in the draft EIR. Pacific herring spawn within San Francisco Bay including the Project area during the winter months, approximately from December through March. CDFW recommends avoiding in-winter construction near spawning herring and spawning habitat such as eelgrass (<i>Zostera marina</i>) and red algae (<i>Gracilaria</i> sp.) beds during the spawning season, December 1 to March 31.</p> <p>If the Project may result in impacts to CESA or federally listed species, the draft EIR should require that a CESA Incidental Take Permit (ITP) and/or federal authorization be obtained prior to the impact.</p>	<p>Area, during the winter months from approximately December through March. CDFW recommends avoiding in-winter construction near spawning herring and suitable spawning habitat such as eelgrass beds during the spawning season from December 1 through March 31.</p> <p>Table 4.4-3 in the Draft EIR and Table 3 in the Biological and Wetland Resources Background Report contained in Appendix E of the Draft EIR list special-status animal species known or suspected to possibly occur in the San Rafael vicinity. While Pacific herring is of importance commercially, recreationally and ecologically, they and other commercial fisheries are not considered special-status species. Pacific herring is not recognized as a “Special Animal” in the latest Special Animals List by CDFW. “Special Animal” is a broad term used by CDFW to refer to all the animal taxa tracked by the California Natural Diversity Database regardless of their legal or protection status. If Pacific herring was included as one of the animal species in Table 4.4-3 of the DEIR and Table 3 in the Biological and Wetland Resources Background Report it would confuse the purpose of these tables, and these tables have therefore not been revised as suggested by the commenter.</p>
<p>GOV6-6 cont...</p>		<p>General Plan 2040 is a planning document and does not authorize specific activities that could affect CESA or federally listed species. Information on the regulatory framework related to the protection of biological and wetland resources is provided in Section 4.4.1.1, Regulatory Framework, of Chapter 4.4, Biological Resources, of the Draft EIR. This includes information on the CESA and FESA referred to by the commenter. Project applicants must comply with State and federal regulations, including provisions in the CESA and FESA if listed species are present on a particular site or could be affected by project activities. A detailed discussion of the potential impacts that could occur from implementation of the proposed General Plan 2040 is provided in Section 4.4.3 of the Draft EIR on pages 4.4-28 through 4.4-32, including a review of the adequacy of proposed goals, policies, and programs. Mitigation Measure BIO-1 was recommended in the Draft EIR to address identified deficiencies in the proposed programs and ensure that adequate surveys are performed in advance of development-related vegetation removal or other habitat modifications. This would ensure that any special-status species, including those listed under CESA and/or FESA, are identified and adequately protected or addressed as part of future development applications. No additional revisions to the Draft EIR are considered necessary in response to the comment.</p>
<p>GOV6-7</p>	<p>Mitigation Measures</p> <p>CDFW recommends the following edits to the proposed Mitigation Measure to avoid potentially significant impacts to nesting birds and special-status species that may be using anthropogenic habitat in the Project area. Proposed deletions are in strikethrough and additions are in <i>bold italics</i>.</p>	<p>Please see Response GOV6-8.</p>
<p>GOV6-8</p>	<p>Mitigation Measure BIO-1 Surveys for Special-Status Species & Avoidance of Nesting Birds. Require that sites with suitable natural <i>or anthropogenic</i> habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such surveys shall be conducted by a qualified biologist <i>according to CDFW-accepted species-specific protocol-level surveys, as applicable</i>, and occur prior to development-related vegetation removal or other habitat modifications. Nests of native birds nests in active use should <i>shall</i> be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction should <i>shall</i> be initiated outside the bird nesting season (<i>February 1</i> March 1 through August 31) or preconstruction surveys <i>shall</i> be conducted by a qualified biologist within a <i>minimum of 500 feet from the project site and</i> in advance of <i>at no more than seven days prior to</i> any disturbance. If active nests are encountered, appropriate <i>work avoidance</i> buffer zones <i>shall</i> be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest <i>and are no longer dependent on parental care</i>.</p>	<p>The comment recommends revisions to Mitigation Measure BIO-1 to avoid potentially significant impacts to nesting birds and special-status species that may be using anthropogenic habitat in the EIR Study Area. In response to the comment, Mitigation Measure BIO-1 on page 4.4-31 of the Draft EIR has been revised as shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
<p>GOV6-9</p>	<p>EDITORIAL COMMENT</p>	<p>The comment recommends revisions to Table 4.4-1, Estimated Vegetation Cover in the EIR Study Area, on page 4.4-9 of Chapter 4.4, Biological Resources, of the Draft EIR. The corrections to Table 4.4-1 in the Draft EIR have</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
GOV6-10	<p>CDFW recommends revising Table 4.4-1 which identifies the estimated vegetation cover in the Project area. The acres of vegetation types do not sum to the total, and the percentages identified sum to greater than 100% (page 4.4-9)</p> <p>California Endangered Species Act</p> <p>Please be advised that a CESA ITP is warranted if the Project has the potential to result in take of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation, monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.</p> <p>CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub.Resources Code, § § 21001, sub. (c), 2108; CEQA Guidelines, § § 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.</p>	<p>been completed, as shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p> <p>Please see Response GOV6-6. The comment provides background information on the California Endangered Species Act, which is triggered for projects that have the potential to result in the take of plants or animals listed under the Act, either during construction or over the life of the proposed project. The comment is noted but does not address the adequacy of the Draft EIR and does not warrant further response.</p>
GOV6-11	<p>Lake and Streambed Alteration Agreement</p> <p>CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In that case CDFW will consider the CEQA document for a Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.</p>	<p>The comment provides background information on the California Lake and Streambed Alteration (LSA) Agreement, which is subject to an LSA notification for the proposed project. Please see Response GOV6-6.</p> <p>A summary of California Fish and Game Code provisions, including the LSA process, is provided in Section 4.4.1.1, Regulatory Framework, of Chapter 4.4, Biological Resources, of the Draft EIR. The comment is noted but does not address the adequacy of the Draft EIR and does not warrant further response.</p>
GOV6-12	<p>Raptors and Other Nesting Birds</p> <p>CDFW has jurisdiction over actions that many result in the disturbance or destruction of active nests sites or unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.</p>	<p>The comment provides background information of Raptors and other nesting birds that have the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Please see Response GOV6-6. A summary of State and federal provisions related to the protection of nests of native birds in active areas is provided in Section 4.4.1.1, Regulatory Framework, of Chapter 4.4, Biological Resources, of the Draft EIR. The comment is noted but does not address the adequacy of the Draft EIR and does not warrant further response.</p>
GOV6-13	<p>FILING FEES</p> <p>CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.</p>	<p>The comment provides background information and assessment of filing fees. The comment is noted but does not address the adequacy of the Draft EIR and does not warrant further response.</p>
GOV7	<p>Mikayla Vaba, California State Clearinghouse Office of Planning and Research</p>	
GOV7-1	<p>The State Clearinghouse (SCH) received comments on City of San Rafael General Plan 2040 and Downtown Precise Plan from a state agency after the review period. To view comments on your project, please visit: https://ceqanet.opr.ca.gov/Search/Advanced</p> <ul style="list-style-type: none"> o Filter for the SCH# of your project OR your "Lead Agency" o If filtering by "Lead Agency" § Select the correct project o Only State Agency comments will be available in the "attachments" section: bold and 	<p>The comment is a confirmation of the close of the public review period of the Draft EIR from the State Clearinghouse. Comments submitted to the State Clearinghouse during the public review period are included as part of this Response to Comments and are included in the administrative record of the Final EIR.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>highlighted</p> <p>The California Environmental Quality Act (CEQA) does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.</p> <p>Should you have any questions or concerns regarding the environmental review process, please contact the SCH at (916) 445-0613 or state.clearinghouse@opr.ca.gov. If your question is regarding the above-named project, please reference the ten-digit SCH number when contacting this office.</p>	
B. Private Companies and Organizations		
ORG1	1/25/2021	Peter M. Spoerl, Raggianti and Freitas
ORG1-1	<p>At its January 26th, 2021 meeting, the Planning Commission will hold the second of three scheduled public hearings to receive public comments on and discuss the recommendations of the Draft Downtown San Rafael Precise Plan (“the Draft Plan”). The discussion at the January 26th hearing will focus on the draft Form Based Code as set forth in Chapter 9 of the Draft Plan. We originally sent an earlier version of this letter to Former Planning Manager Raffi Boloyan in August of 2020. We are reforwarding to it to your attention as you discuss the Draft Plan. To the extent that the Draft Plan is a part of the “proposed project” analyzed in the San Rafael General Plan 2040 and Downtown Precise Plan Draft Environmental Impact Report (“the EIR”), the comments made in this letter should also be considered as written comments on the EIR and entered into the administrative record of the consideration of that document as well.</p>	<p>The comment provides an introduction to the comments that follow. Although the comment is submitted in response to the Downtown Precise Plan and associated Form-Based Code, the commenter requests the comment letter be considered as a written comment on the Draft EIR and entered into the administrative record. The comment does not address the adequacy of the Draft EIR. The City of San Rafael addressed the comments provided by the commenter at the Planning Commission meeting on February 9, 2021, the written response of which was included in the Agenda Packet as <i>Exhibit A: Response to Comments and Proposed Actions on Downtown Precise Plan</i>.</p>
ORG1-2	<p>This office represents Chris Hart, who in August entered into escrow on the purchase of three contiguous parcels located at 4th and Grand in Downtown San Rafael. Under the Draft Plan, two of the parcels in question (450 Fourth Street and 420 Fourth Street) have been proposed for inclusion within the boundaries of the T4-NO zoning district. The third parcel (1010 Grand Avenue) would remain zoned under its current designation as R5. The purpose of this letter is to request, for the reasons set forth in greater detail below, that Planning staff and the City’s elected and appointed officials consider expanding the proposed T4-NO boundary within the proposed Draft Plan and relevant portions of the accompanying form-based code to encompass the 1010 Grand parcel as well. This would facilitate a cohesive and unified planning approach that would enable a more holistic and harmonious redevelopment of the three parcels, while still providing for an effective transition and buffer between the proposed development and the adjacent residential Dominican neighborhood.</p> <p>As reflected in the attached architectural and landscape renderings, our client’s vision for the parcel comprises a four-story 28-32 unit rental apartment complex that steps down to effectively and sensitively transition to the adjacent residential neighborhoods to the north and northeast. This concept is fully consistent with the base purpose and objectives of the proposed T4-NO zoning district as well as broader objectives of the Draft Plan. The proposed development focuses development on one of the City’s key arterials and nodes, and “promotes a diverse Downtown by increasing access to housing,” directly furthering two of the eight overarching design principles identified in Section 3.3, while maintaining appropriate height and form transitions as identified as a desirable objective under Section 4.1. The development would be located one block from a high-frequency transportation corridor (as set forth under Section 6.2), and will represent a priority public realm project within the Draft Plan’s proposed Montecito Promenade. Finally, the project will further the stated objectives of Section 8.2, in so far as it will support new infill and transit-oriented development.</p> <p>Given that the site has now closed escrow and that all three parcels are be under common ownership, we submit that inclusion of the 1010 Grand Property within the proposed T4-NO boundary will help to further stated objectives of the both the broader Draft Plan and the T4-NO zoning district. Including the 1010 Grand parcel within the proposed District will permit our client to treat the three sites cohesively, and to utilize favorable development standards embodies in the proposed form-based code of Chapter 9, including floor area, parking and unit count, while still developing the site in a</p>	<p>The comment requests that the boundary of the Downtown Precise Plan Area and the associated Form-Based Code be modified to include additional properties in the proposed T4-NO zoning designation. The San Rafael Planning Commission unanimously provided support for this revision and the revision has been made and is included in the Final General Plan 2040. This revision does not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>manner that utilizes the 1010 Grand parcel to buffer and transition to the adjacent residential neighborhood. Moreover, applying consistent zoning to the three parcels will recognize that they are practically connected for purposes of our client’s pending development proposal, and would more closely reflect their common ownership. Indeed, our client fully anticipates that parcel and lot merger will be a part of the pending application for the land use entitlements, and making this minor refinement to proposed Draft Plan zoning boundaries will simply remove the likelihood of split zoning on a parcel that has been both marketed and planned as a single entity for planning purposes.</p>	
ORG1-3	<p>In conclusion, we believe that this modest reconfiguration of the proposed T4-NO boundary to include 1010 Grand Avenue would provide for a more cohesive and superior site and architectural design that will better promote the underlying policy and planning objectives set forth under the Draft Plan. We appreciate your attention to this matter.</p>	<p>Please see Responses ORG1-1 and ORG1-2.</p>
ORG2	Peter M. Spoerl, Raggianti and Freitas	
ORG2-1	<p>Honorable Chair and Members of the Planning Commission: At its January 26th, 2021 meeting, the Planning Commission will hold the second of three scheduled public hearings to receive public comments on and discuss the recommendations of the Draft Downtown San Rafael Precise Plan (“the Draft Plan”). The discussion at the January 26th hearing will focus on the draft Form Based Code as set forth in Chapter 9 of the Draft Plan. This office represents Monahan Pacific, which owns and intends to develop two parcels within the proposed plan area boundary of the Draft Plan (1230/48 5th Avenue, APN 011-300-26 and 1515 4th Street, APN 011-245-26). The purpose of this letter is to provide substantive comments on the Draft Plan and the Regulating Plan set forth under Chapter 9. To the extent that the Draft Plan is a part of the “proposed project” analyzed in the San Rafael General Plan 2040 and Downtown Precise Plan Draft Environmental Impact Report (“the EIR”), the comments made in this letter should also be considered as written comments on the EIR and entered into the administrative record of the consideration of that document as well.</p>	<p>The comment provides an introduction to the comments that follow. Although the comment is submitted in response to the Downtown Precise Plan and associated Form-Based Code, the commenter requests the comment letter be considered as a written comment on the Draft EIR and entered into the administrative record. The comment does not address the adequacy of the Draft EIR. The City of San Rafael addressed the comments provided by the commenter at the Planning Commission meeting on February 9, 2021, the written response of which was included in the Agenda Packet as <i>Exhibit A: Response to Comments and Proposed Actions on Downtown Precise Plan</i>.</p>
ORG2-2	<p>In summary, we believe that the proposed configuration of form-based zones, and in particular, the building height limitations established under certain of the proposed zones, will frustrate several of the Draft Plan’s stated foundational objectives, in particular the development of housing in the Downtown that will meet a variety of needs and lifestyle choices. The City of San Rafael has spent considerable time and resources in recent years entitling housing projects that for various economic reasons do not ultimately get built. The comments within this letter are intended to ensure that the City has the right tools to not only plan for housing, but to see the housing get produced.</p>	<p>Please see Response ORG2-1. The City of San Rafael has revised the Draft Downtown Precise Plan and is proposing revisions to the San Rafael Municipal Code to address the issues raised in the comment letter. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
	<p>Discussion The Draft Plan identifies the creation of new housing inventory and increasing housing diversity as core emphases of the cohesive planning effort for Downtown. It seeks to increase housing in the Downtown in response to the larger Bay Area crisis in available housing, and prioritizes the creation of workforce and affordable housing, clarifying that the Downtown area is “a prime location to deliver much-needed housing at all income levels.” One of the “Key Themes” identified in the Draft Plan is to “[p]romote housing in Downtown to meet as variety of needs and lifestyle choices.”</p>	
	<p>Our client has developed conceptual plans for both parcels that feature multi-family housing and mixed use development, featuring unit counts between 120 and 140 units. Both projects as proposed would promote a number of objectives identified in the Draft Plan. Both would focus development on the City’s key arterials and nodes, which “promotes a diverse Downtown by increasing access to housing,” directly furthering two of the eight overarching design principles identified in Section 3.1 of the Precise Plan, while maintaining appropriate height and form transitions as identified as a desirable objective under Section 4.1. Both developments would be located in close proximity to a high-frequency transportation corridor (as set forth under Section 6.2), and would further the stated objectives of Section 8.2, in so far as they would support new infill and transit-oriented development.</p>	
	<p>Residential developers such as our client have an important role to play in furthering the important statewide and San</p>	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>Rafael-specific objective of producing more housing inventory, both affordable and market rate. Put simply, California in general, and San Rafael in particular, are not producing sufficient housing in the right places and at the right affordability levels to accommodate the demographic realities of a rapidly growing population. The actual production of housing inventory falls well short of demand, in many cases because residential developers are uncertain as to what is economically and politically feasible to build. But in order for residential development to partner with local government to provide these much needed units, cities such as San Rafael need to be more sensitive to and realistic about the market, policy and implementation factors that actually inform the dynamic of affordable housing production. Within the context of the Draft Plan, this will require that the City take a more nuanced and flexible approach to the vision of its desired urban form, and suggests that the City should permit higher buildings in appropriate sites directly adjacent to the Downtown core.</p>	
	<p>Under the Draft Plan, the 5th Street parcel (APN 011-300-26) is proposed for inclusion within the boundaries of the new T4N 40/50 zone, and the 4th Street parcel (APN 011-245-26) would fall within the T4MS 50/70 zoning district. The former zone would allow for a building height between 40-50 feet, while the latter zone would permit building heights between 50 and 70 feet. In each category, the maximum height allowed by the zone is identified in the Regulating Plan as a suffix to the zone name, with the lower number representing the maximum allowable height without a bonus, and the higher number representing the maximum height with a bonus.</p>	
	<p>As an initial matter, we note that the Draft Plan is unclear on how an applicant may qualify for the height bonus. In previous workshops and during the Planning Commission’s previous discussions of the Draft Plan, it has been suggested that “Affordable Housing Projects” would qualify for the height bonus, and Planning staff have confirmed this intent in response to our inquiries. However, “Affordable Housing Project” isn’t a defined term in either the Draft Plan or under the existing San Rafael Municipal Code (“SRMC”). Under the SMRC, “affordable housing units” mean dwelling units required to be rented at affordable rates to very-low, low or moderate-income households, or purchased at a sales price affordable to low and moderate-income households. Under the City’s Inclusionary Housing Ordinance (codified at SRMC Section 14.16.030), qualifying residential development projects are required to provide between 10-20% affordable housing units at specified affordability levels according to the overall number of housing units provided. However, the City Council has directed its staff to lower the overall requirement for larger scale projects from 20% to 10%, and without a specific incorporation by reference, its unclear what affordability levels and percentages a project would need to provide under the Draft Plan in order to qualify for a height bonus.</p>	
	<p>Further confusing matters, footnotes in relevant sections of the Draft Plan direct applicants to SRMC Section 14.19.190 (Height Bonus) to determine requirements for height bonus. That section contains a set of bonuses ranging between six and 24 additional feet for certain identified qualifying projects within Downtown zoning districts. These include “affordable housing,” in certain districts, but it’s unclear on the face of the text if the bonuses provided for under the SMRC are additive or alternative to the bonuses identified in the Draft Plan’s zones. Moreover, the districts identified in that SRMC section do not align with the four subdistricts identified in Figure 2.2.040(A) of the Regulating Plan in the Draft Plan. In short, without a more precise definition of “Affordable Housing Project,” and clearer cross references and or amendment of existing height provisions in the SMRC, its not clear what is required to qualify for a height bonus under the Draft Plan.</p>	
	<p>We suggest that in more clearly defining what qualifies as affordable housing for purposes of awarding a height bonus, in addition to clarifying the required qualifying percentages of restricted units in each category, the City may also wish to consider crediting the provision of moderate-income rental housing. Under the State density bonus law, a project that provides at least 10% of the housing units in a for-sale common interest development restricted to moderate income residents is entitled to a density bonus and other incentives and concessions. However, the City here has an opportunity to</p>	

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>promote the development of moderate-income rental inventory as well, by qualifying moderate income rental proposals for height bonuses. In a recent published report, the California Department of Housing and Community Development has documented a growing housing cost burden (paying more than 30 percent of income toward housing) among moderate-income households.¹ This highlights the facts that California in general, and San Rafael in particular, need to create housing inventory at all categories, and that the need for “affordable housing” is spreading rapidly to moderate income households. The adoption of this Draft Plan presents an opportunity for the City to expand the recognition and incentivization of production of housing inventory for numerous income levels.</p>	
	<p>It is also important that the City, in refining the Draft Plan, give more consideration to how it intends to award residential density bonuses for qualifying projects under California Government Code 65915 et seq. The Draft Plan essentially regulates building density by providing for a maximum volume controlled by height, bulk and setback controls. But because there are no numerical controls on maximum floor area ratios, and there is no express limitation on or regulation of base density expressed as a maximum residential gross floor area, there is effectively no base density, and it’s unclear how the City intends to calculate and award mandatory density bonuses to projects meeting affordability thresholds (which, under the City’s existing inclusionary ordinance, would effectively include any residential development project of two or more units). Chapter 7 of the Draft Plan suggests that Projects seeking to apply a bonus under state density bonus law can simply “utilize the resultant FAR of the base zoning envelope... to calculate the additional floor area to be accommodated in the bonus envelope prescribed by the Downtown Code,” which seems to confuse the calculation of a mandatory density bonus under state law with the bonus structure set forth under the Draft Plan. It is critical that the City be more flexible and differentiate between actual site conditions in setting height limitations under the Draft Plan, since an award of additional density will effectively require the City to consider permitting taller buildings in order to physically accommodate higher residential densities.</p>	
	<p>We also urge the City to consider relaxing its parking requirements, at least for residential developments with an affordability component within the Downtown parking District. Although a majority of the 1230/48 5th Street site falls within the Downtown parking District (as regulated under SMRC Section 14.18.060), and the off-street parking requirement would thus theoretically be waived for up to 1.0 FAR of the total square footage, a project of the height and size proposed by our client would still be required to devote a substantial amount of its square footage to satisfying off-street parking requirements. Parking, especially sub-grade parking, is extremely expensive and can often be cost prohibitive for otherwise viable high density residential development. We note that under State law (pursuant to the Sustainable Communities Strategy, as codified under Public Resources Code Section 21155 et seq), eligible projects are entitled to greatly reduced parking ratios for both affordable and market rate units. Although our client is not proposing a project that would satisfy all of the state law requirements to enjoy these ratios as of right, the site (as with the majority of the Downtown parking area) is in fact located within a transit priority area and within ½ mile of a major transit stop (the San Rafael Transit Center). San Rafael here has the opportunity to promote the production of transit-oriented higher density affordable housing by increasing the waiver of parking requirements to a higher FAR, which would lower construction costs while recognizing the proximity of these projects to public transportation and the walkable Downtown core. At a minimum, the City should consider exempting required parking areas from height and bulk calculations within the Form Based typology.</p>	
	<p>The City Should Permit Taller Construction in Appropriate Sites within Moderate Intensity T4 Neighborhoods</p>	
	<p>The Draft Plan is organized around the general organizing principle of the Natural to Urban Transect, establishing a hierarchy of places moving from the most natural to the most urban. As applied to San Rafael, this conceptual framework creates transect zones according to walkable context types, essentially creating a tiered spectrum of building intensity bands from urban to less urban, as one moves north and south from the primary density and height axis of Fourth Street. This framework assumes a flat map and does not adequately consider the topography or the existing urban and physical setting, and results in missed opportunities for appropriately sited higher and denser construction immediately to the</p>	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>north of the Downtown core. The Draft Plan would benefit from a more nuanced view of appropriate height and massing as the grade slopes to the north along Fifth Street by creating an exemption for the calculation of building height for cross slopes that exceed a 20 foot rise to run. The City currently has a shortage of larger sites appropriate to higher density multi-unit development. Our client’s parcel at 1230/48 represents one of the few remaining sites of at least 25,000 square feet. 1248 Fifth Avenue is a “street to street” lot and with a rise-to-run cross slope along C Street of approximately 20 feet. As noted, these larger sites are few and far between and offer an opportunity to build housing projects of a significant size (over 100 units), which, under the requirements of the City’s inclusionary ordinance, are at the same time an opportunity to actually provide income restricted affordable inventory at scale and satisfy the City’s Regional Housing Needs Allocation as determined by ABAG.</p> <p>The development of these larger “block to block” sites is different than smaller “infill sites,” as the larger sites generally require underground (or partially underground) parking which, as noted above, is very expensive to build. Depending on the site, structured parking can run \$75 to \$100K thousand dollars per car, adding significant cost to a project.</p> <p>On steeper hillsides such as our client’s 1230 Fifth Street parcel, height limitations such as the 40/50 split proposed ignore the challenges of sloped construction, and of reconciling the form based limitations with the actual topographical realities of such sites. The Draft Plan should account for sloped conditions, and grant additional height waivers exceptions for “block to block “ projects and sites that have significant cross slopes of more than 10 feet when measuring height. The current code (as set forth under the zoning definitions for “height, hillside” and “height, non-hillside” under SMRC Section 14.03.030) does not adequately account for these conditions, and the Draft Plan essentially penalizes these sites and further reduces an already unrealistically low height limitation. By way of illustration, a building under the proposed T4N 40/50 zone in the Draft Plan fronting on Fifth allowed to be 40 feet in base height would in fact be only 20 feet tall on Mission Street due to the 20 feet of cross slope on C St, but the code would make no allowances for the actual stepping back and reduced visual impact of the relative heights of the roof elements.</p> <p>Put simply, the proposed 40/50 foot height limitations for the T4N zone along Fifth Street under the Draft Plan are inconsistent with the economic realities of what is required to produce the very housing that is being prioritized as a goal of the Draft Plan. Unfortunately, the proposed building heights for the T4N 40/50 make larger scale housing projects economically unviable. We have attached a printout of an Excel spreadsheet that provides a rough analysis and illustration of how the various fixed costs of development interact with allowable building heights, clearly demonstrating the correlation between higher densities and lower per unit costs. In order to be economically viable, developers typically amortize the high costs of land, parking, permit/fees, construction and financing over a larger number of units thereby reducing the average cost per unit (and accounting for the reduced profitability that is a consequence of compliance with the City’s inclusionary ordinance). In order to increase density, a developer must also increase height. Accordingly, in order to actually produce these types of higher density higher unit count projects, developers need more room to build up.</p> <p>To be clear, however, the additional height that is required need not result in skyscrapers in San Rafael. We suggest that, at least at the 1230/48 5th Street address, the City should increase the maximum bonus height to be consistent with the directly adjacent T4MS 60/80 zone (or even the T5N 50/70), which would allow for high density residential development at a scale fully appropriate to the neighborhood and topographical context. Existing buildings fronting on Fifth Ave from Court Street to C Street (and buildings that are currently under construction) are already scaled to support new construction of up to at least 70 feet. The site is ideally situated to provide needed housing at numerous income levels to support adjacent civic uses (the City’s new Public Safety building, for example, would be directly across the street, making this site ideal housing for City employees). We further note that allowing this height along 5th Avenue, at least between B and E Streets, does not threaten any sort of abrupt transition to adjacent residential uses, as adjacent properties and existing uses along Mission Avenue are limited to the Elks Lodge (which is already well screened and set back from potential development) and recreational uses at Boyd Memorial Park.</p>	

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG2-3	<p>Conclusion</p> <p>In summary, we ask that the Planning Commission consider the points raised in this letter, and forward appropriate recommendations for clarification and amendment to the City Council. In summary, we recommend that the City:</p> <ul style="list-style-type: none"> • Clarify more precisely what is required to obtain a height bonus within all of the Draft Plan’s zones, and consider qualifying the inclusion of projects including some level of moderate income rental housing • Clarify how density bonus eligible projects will be processed • Relax parking requirements for affordable housing projects within the Plan Area, at a minimum exempting required parking areas from height and bulk calculations; and • Allow for higher maximum building heights along 5th Street between B and E Streets, reclassifying the zones as either T5N 40/60 or T4MS 50/70. 	Please see Responses ORG2-1 and ORG2-2.
ORG3	Linzy Klumpp, San Rafael Heritage	<p>The comment provides an introduction to the comments that follow. The comment does not address the adequacy of the Draft EIR and no response is required.</p> <p>The City of San Rafael has revised the Draft Downtown Precise Plan in response to the comments made in this letter. Written responses to the specific points in the letter are available on page 6 of the PDF file posted on the Downtown Precise Plan webpage: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/04/SupplementalResponsestoDowntownPlanComments.pdf. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
ORG3-1	<p>San Rafael Heritage (SRH) is gratified for the opportunity to offer our comments and recommendations regarding the DEIR. The spirit of this letter is to promote the interests of the broader San Rafael community. We support the city’s focus on providing clarity in regulations, the entitlement processes and actions for historic resources, providing incentives for their preservation and continued use, elevating preservation as an urban design and placemaking tool, recognizing its place in supporting a shared collective memory and improving the quality of life for residents and visitors.</p> <p>We have not attempted to proofread the document and make specific text recommendations, choosing instead to rely on you, planning staff, the consultant team and the city’s elected and appointed decisionmakers to take our thoughts into consideration and modify the DTPP, GP2040 and DEIR as is deemed appropriate. Under separate cover Leslie Simons will offer specific recommendations.</p> <p>While there are as many policy and regulatory approaches to historic preservation as there are different governing authorities, we are most familiar with Redwood City’s (RWC) experience. As such, it provides a basis for a number of our observations and recommendations.</p> <p>SRH intends to be a partner with the City and other stakeholders to promote historic preservation and achieve recognition of it as a key part of San Rafael’s genetic make-up. To achieve this, we will need to build local multigenerational and ethnic affinity, capacity and knowledge in historic preservation. Committed actions by the City and the preservation community are required.</p> <p>There is a high probability we may have missed key policy and action language elsewhere in the GP2040, DTPP, and the DEIR. For this we seek your indulgence.</p> <p>This letter is organized around several key themes. Our objective is to have the narrative and recommendations below considered in the context of the DEIR, as they may influence its content and mitigations.</p> <p>As a volunteer organization, we rely on the efforts of our members and have limited capacity. We intend to continue to provide as timely input as possible on the inventory, rating of resources, input on the areas in the DTPP that were not surveyed due to limitations on time and resources and provide recommendations for refinement of the proposed district boundaries. SRH proposes to continue this work as the Planning Commission reviews and acts on the DEIR and prior to consideration of the GP2040, DTPP and DEIR by the City Council. We intend to adhere to the schedule discussed on our meeting with you on March 1, 2021.</p>	
ORG3-2	<p>A. Historic Resource Inventory and Rating of Resources</p> <p>SRH has been working with city staff and the consultant team to provide a local perspective and knowledge on the Historic Resource Inventory (HRI). We participated in the 2019-2020 field survey conducted in much of the DTPP geographic area with Garavaglia and Associates. Subsequently we have been working with you and Renee Nickenig to reconcile the 1978</p>	Please see Response ORG3-1.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>inventory and its 1986 administrative update with the 2020 Inventory and provide input for the Context Statement.</p> <p>In general, we concur with most of the 2020 inventory, however, our findings include some recommendations for additions and deletions and the modification of some ratings. We will also provide some recommendations for small adjustments to the proposed historic district boundaries (to be included in a subsequent letter) and inclusion of the rating of each resource in the inventory spreadsheet provided separately by Leslie Simons.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Refer to the specific recommendations for the HRI noted in a letter and spreadsheet to be provided separately by Leslie Simons. 2. Provide a process to improve the rating of resources and a path to landmark designation for actions by landowners to restore and rehabilitate them. This provides parcel owners a choice of action. The objective is to allow access to incentives afforded by local landmark designation, and state or federal listing where possible. The urban design objective is to improve streetscapes through enhancement of what might not be considered landmark worthy or a contributing resource without restoration and other improvements. A good example of this is the MMWD Building at 874 4th St. The project scope could include removal of the storefront addition in front of the building, creation of a private plaza in its place, restoration of the building façade and transfer of height and bulk to the rear of the site. This would result in a currently “E” rated resource receiving an A or B rating benefiting from incentives associated with local landmark designation and the public benefit of an improved streetscape. Landowner incentives may include, but not limited to, federal tax credits, application of the historic building code, and reduction of local property taxes associated with a Mills Act Contracts and façade easements. 3. Provide an example of an existing block form building on 4th Street before and after restoration of the façade to illustrate the action noted in #2 above. Commonly original storefront transoms and architectural features are concealed behind a more recent remodel. Those features and fenestration that have been removed or altered can be restored. Where insufficient information exists on the historic façade, correct period improvements may be utilized under the guidance of a qualified preservation specialist. 4. Conduct an additional priority review of selected areas not surveyed during the 2019 field work to identify highly rated (A-C) resources (Refer to DEIR pg. 4.6.16 Figure 4.5-2). It appears the area south of 2nd Street has one potential resource: Albert Field. The Montecito Shopping Center Area has no potential landmark or contributing resources and the parcels on the north side of 4th between Mary, Mission and Union appear to have no resources. The Latham Street area may ultimately qualify as a historic district, will not be subject to DTPP related zoning changes and can be included in a future survey update. The properties along 5th Avenue starting at Cijos and extending to the western and northern boundaries of the DTPP, and those on either side of Irwin in the vicinity of 5th and Mission are recommended for priority review to identify resources to be considered in the DEIR. If sufficient resources or time aren’t available, SRH recommends prioritizing these areas for the next update. SRH is available to assist in this process. 5. Modify the maps and inventory lists to conform to the revised inventory and ratings. For example, on Figure 4-1 (page 4-4) the resource shown on the northwest corner of 4th and E Streets should only include the former automobile dealership on the corner. The adjacent buildings on both 4th and E should not be indicated as potential landmarks or contributing resources. Please refer to the material attached to Leslie Simons’ letter to be sent later by March 15th. 6. All graphics relating to the historic core should be modified. An example is Figure 1-1, page 1-5. Please refer to the letter from Leslie Simons for clarification. 	
ORG3-3	<p>B. Development Standards When crafting development standards including the form-based code, consideration is given to achieving the development goals set out for the DTPP including but not limited to the preservation and enhancement of historic resources. The</p>	Please see Response ORG3-1.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>objective is to set the right balance between historic preservation priorities and providing sufficient flexibility and incentive for project proponents to facilitate the implementation of the DTPP. Making the review process ministerial rather than discretionary whenever possible reduces uncertainty and approval time.</p> <p>Recommendation:</p> <p>1. Provide prescriptive requirements to maintain landmark status for resources subject to significant modification. In RWC’s case, for what are termed as block form buildings in the San Rafael DTPP, this typically includes façade restoration and maintenance of 75% of the original exterior walls of the resource. This includes original walls retained below new construction and doesn’t preclude air rights development conforming with the form-based code over block form resources (typically a specific setback dimension for the new construction from the resource’s street façade).</p> <p>2. Clarify the definition of development adjacent to a resource. This is subject to interpretation and is conditioned upon the motivations of the policy makers including the desire to provide incentives for change consistent with the DTPP. RWC limits adjacency to improvements on the resource parcel itself and parcels located within a designated historic district. RWC’s downtown precise plan sets step back requirements on specific streets such as Broadway and Main Street and height limits throughout the plan area. The form-based code standards in the San Rafael DTPP can serve the same function but appear to be overly prescriptive on sites adjoining resources and districts and on sites themselves.</p> <p>The proposed DTPP form-based code (Code) criteria significantly impact future development adjacent to historic districts and eligible and contributing resources. The Code requires adjacent new construction to step back from property boundaries and have roof forms such as gabled elements in addition to street step backs otherwise required. It also places more restrictive limits on the number of stories that can be added to a resource. The intent is to affect a form and bulk transition between larger buildings and historic resources and/or districts. This has a significant impact on the development potential of adjacent parcels. Affected landowners are likely to strongly object to historic landmark or district designation on a property adjacent to their holdings considering these actions to have a detrimental impact on their property development potential. In addition, this will likely reduce the number of potential sites that can economically accommodate the kind of change anticipated by the DTPP and the City Council.</p> <p>There are potential advantages and disadvantages to the Code as currently written. On the plus side the code recognizes a desire to transition from larger new buildings to smaller historic resources and districts. On the minus side, in addition to objections by adjacent landowners, it may also adversely affect the City Council’s motivations to landmark properties and districts and support incentives for preservation.</p> <p>The RWC approach relies on a balance by applying step backs along streets regardless of the presence of historic resources and has no step back or other form limitations on property boundaries adjacent to individual resources or districts other than the height limits set out by its code.</p> <p>RWC has been successful in motivating landowners to designate their buildings as landmarks and agree to inclusion of their properties in historic districts. This has resulted in restoration of many facades in the downtown area and virtually no resistance by adjacent landowners to district or individual landmark designations. Preservation has consistent support by the City Council and is recognized as a mitigation to the growth and change that has occurred in their downtown. It should be noted there are some conditions where a modern multi story office building or residential block has been constructed next to a small scaled historic resource (such as a 19th century wood frame residence). In other words: There are tradeoffs. However, the robust economic conditions of the Silicon Valley combined with a significant number of new apartment and office buildings activated downtown streets and supported new businesses. This new vibrancy is sufficient</p>	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>to justify the rents required to cover the high and unpredictable costs of restoring and repurposing historic buildings. Achieving preservation goals is tied to the success of the DTPP in attracting new growth and associated economic activity.</p> <p>3. Apply RWC's DTPP development standards regarding historic resources, including adjacency and on-site improvements RWC's Historic Resource Advisory Committee (RWC HRAC) applies the following standard: If a proposed improvement does not render a resource ineligible for National Register listing it's permissible. In addition, the RWC HRAC takes into consideration the evolving context around a resource. For example, the context at the time a resource was constructed may be considerably different than what now exists or what is anticipated by the DTPP. A modest scale wood frame residence (house form) may be a remnant of the small-town context that existed in the 19th century but is not reflective of its current 21st century urban context.</p>	
<p>ORG3-4</p>	<p>C. Adjustments to Historic Districts Boundaries</p> <p>SRH observed that the proposed district boundaries in the DTPP extend beyond areas with a cohesive context and seem to be configured to reach out to individual resources. We recommend the district boundaries be revised to conform to areas with an intact context. Mitigations measures regarding individual eligible and contributing resources are adequately addressed in the DEIR without inclusion in a district.</p> <p>Historic district boundaries should be established to maintain and emulate the traditional main street character of 4th and B streets, with buildings fronting directly on the sidewalk and a variety of period examples of architecture with different heights from the mid 19th century to present. We recommend focusing the proposed districts on those streets. The Latham Street neighborhood also has an intact context and may be considered for designation as a historic district in the future. SRH also notes there are no specific actions, procedures or timetables identified to establish historic districts and would like to see this addressed.</p> <p>1. West Downtown Core District: Include only the parcels on both sides of 4th Street from the two parcels on the west side of E Street (the former automobile dealership at 1504 4th and parcel on the south side of the street) to A Street. Regarding B Street: Include the parcels on both sides of B Street from 4th street to south of 2nd street including the Cosmopolitan Hotel, 747 B Street and the resources on either side of the former railroad right of way on the east side at 720 B Street.</p> <p>2. East Downtown Core District: Include parcels along 4th Street from the west as shown on figure 4.5-4 to Tamalpias Avenue including the NWP Depot Building at 930 Tamalpias.</p> <p>3. West End District: SHR recommends identification of a potential West End District including the parcels along 4th Street from E Street to H Street (including 1 H Street, the Pacific Telephone & Telegraph building).</p> <p>4. We recommend the DTPP clarify the district designation process and a proposed timetable.</p>	<p>Please see Response ORG3-1.</p>
<p>ORG3-5</p>	<p>D. Composition of the Historic Resources Advisory Committee</p> <p>The composition of a Historic Resource Advisory Committee (HRAC) is a reflection of the policy objectives of the City. As currently proposed, the committee would have a member of the Planning Commission, member of the Design Review Board and a community member appointed by the Planning Commission. Qualifications of the members is intended to reflect a broad knowledge in areas such as construction and downtown business concerns but surprisingly doesn't speak to its core historic preservation function. This may be reflective of a desire to protect the interests of property owners, a laudable objective, but not reflective of the committee's core responsibilities.</p> <p>One of our steering committee members, Jeff Rhoads, served on the RWC HRAC for four years and shared his observations with SRH. A key principle that has evolved over the approximately 40 years of the RWC HRAC's function has been a narrow focus on historic preservation as defined by the municipal code and the DTPP; mission creep is avoided. Land use and design matters are left to others such as the Design Review Commission, Planning Commission and ultimately the City</p>	<p>Please see Response ORG3-1.</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>Council.</p> <p>The key requirement for RWC-HRAC members is a commitment to historic preservation. Other factors are considered by the Planning Commission, when it appoints new members, include knowledge of architecture, construction, real estate development economics, experience and interest in research, knowledge of local history and historic resources, and representation of the city’s different socioeconomic and ethnic communities.</p> <p>Until recently a Planning Commissioner served on the RWC HRAC; this was discontinued. The City Attorney’s office was concerned about the perception of lack of independence on RWC HRAC findings and deference to the Planning Commissioner by other committee members. In addition, serving on the RWC HRAC added to the Planning Commissioner’s workload. The RWC HRAC was initially a full commission with seven members but was reduced to a five-member committee in the interest of efficiency and cost control considerations.</p> <p>A key function of the RWC HRAC has been to build local capacity in historic preservation. Committee members organize and support activities such as annual school children tours of historic sites and the downtown history walk (note Guiding Policy 6F of the San Rafael DTPP pg. 4.5-40). They are community advocates for preservation, conduct research, attend seminars and tours on best practices and work with staff on potential designations of sites and districts. They make recommendations on applications for landmark and district designations and the terms of Mills Act contracts. Commonly landmark applications and Mills Act contracts are processed concurrently at the request of applicants who seek the incentives offered by tax credits and the Mills Act. The RWC HRAC reviews development applications and renders recommendations within the confines of their clearly defined responsibilities to preserve and enhance the standing of city’s historic resources They provide an independent voice for preservation to the Planning Commission, and when tasked, to the City Council.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1.SRH recommends formation of a San Rafael HRAC with five members appointed by the Planning Commission based on the RWC model. We recommend assignment of a member of the Community Development staff with professional knowledge in preservation to act as the general liaison preparing the agenda and staff reports. Staff planners assigned to specific projects would be responsible for the project staff report and presentation to the HRAC. 2.In recognition of funding limitations SRH recommends using preservation mitigation fee exactions for support of historic preservation activities such as but not limited to, regular updates to the historic resources inventory, staff support for a HRAC, funding landmark designations, and interpretive signage. 	
ORG3-6	<p>E. Context Statement</p> <p>Our Steering Committee member, Jeff Rhoads, submitted some previous recommendations for inclusion in the Context Statement. We note that some these recommendations have been included in the updated Context Statement included in DEIR Cultural Resources Data, Appendix F. Additional comments regarding specific facts and references will be submitted separately by Leslie Simons.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1.Include a concise summary statement in the Context Statement and DTPP policy. SRH has observed a key contextual defining characteristic of Downtown San Rafael: 4th Street and B Street are unusually intact examples of a prosperous small American main street. They exhibit good quality representative buildings from each stylistic period from the mid 19th century through the present. This context includes street walls with few interruptions such as parking lots and driveways. These urban design characteristics shall inform future development downtown. In addition to preserving and restoring landmark and contributory building facades to their period of construction, future interruptions to the street wall must be carefully considered and new construction should reflect its period in time while respecting the existing historic 	Please see Response ORG3-1.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>scale and context. 2.Review and incorporate Leslie Simons’ comments under separate cover.</p>	
ORG3-7	<p>F. Certified Local Government Status The National Park Service State Office program for Certified Local Governments in Historic Preservation (CLG) is administered by State Historic Preservation Offices. This program allows CLGs to apply for federal and state grants and is a prestigious designation. A CLG must meet the following minimum goals: -Establish a qualified historic preservation commission (such as a HRAC) -Enforce appropriate State or local legislation for the designation and protection of historic properties. In most cases this is done in the form of a local ordinance. -Maintain a system for the survey and inventory of local historic resources. -Facilitate public participation in the local preservation, including participation in the National Register listing process. -Follow additional requirements outlined in the State’s CLG Procedures. Each state has Procedures for Certification that may establish additional requirements for becoming a CLG in that State. Recommendations: 1.Commit to policies, actions and a timeline to achieve CLG status for San Rafael. 2.Meet the qualification standards for certification. 3.Apply to the State Historic Preservation Office (SHPO) for Certification.</p>	Please see Response ORG3-1.
ORG3-8	<p>We appreciate the opportunity to participate in this process. SRH is committed to working with the City of San Rafael and other community stakeholders to advocate for historic preservation as an essential part of an authentic, culturally diverse and successful Downtown and greater San Rafael. SRH looks forward to being a partner in the City’s bright and evolving future.</p>	The comment provides a conclusion for the previous comments. Please see Responses ORG3-1 through ORG3-7.
ORG4	Barbara Salzman, Co-Chair Conservation Committee, Marin Audubon Society	
ORG4-1	<p>Thank you for the opportunity to comment on the San Rafael General Plan 2040 Draft EIR. Marin Audubon's primary focus when reviewing EIRs is on the protection of biological resources. We find that the DEIR Policy and Program protections are mixed as described below:</p>	The comment serves as an introduction to the comments that follow. Please see Responses ORG4-2 through ORG4-36.
ORG4-2	<p>Many biological resources policies convey strong protections but a number are weakened, or possibly ineffective, due to the accompanying exceptions. The most frequent exceptions are "not feasible," and "not practical." These offer ways for applicants to get out of complying with the policy restrictions. This approach sends a mixed message: that the resources are important and should be protected, but applicants really don't have to if it is inconvenient or undesirable to do so. The lack of clarity will undoubtedly result in expectations that biological resources can be damaged or destroyed, though the process to get there may be long and one may have to do some mitigation. The underlying message is that the resources are expendable. On the city's side, the extended approval process is time consuming, expensive if not fully paid for by the applicant, and a burden for public resources. Even requirements for mitigation are qualified. One of the conditions allowing for waiver of wetland mitigation is that the city likes the project.</p>	<p>The concerns of the commenter over policies in the proposed General Plan 2040 are noted. Qualifying language is necessary at a citywide level to recognize that rigorous application of setbacks and other protections for biological and wetland resources may not be possible and strict application would be considered an illegal taking of private property by the City. This qualifying language is used in the current General Plan 2020 policies as well. Where qualifying language is used in biological and wetland resources policies, standards may be identified for how an exception is to be reviewed and allowed. These standards typically have higher thresholds for compensatory mitigation as an incentive for complying with the intent of the policy and avoiding or minimizing impacts on the sensitive resources.</p> <p>In many cases policies have actually been strengthened rather than weakened, including many new policies relating to creek protection, water quality, sea level rise, and other resource topics. In some cases, mandatory verbs such as "require" have been used. In other cases, more flexible verbs have been used, recognizing the nature and function of the General Plan and its use as a guiding document that informs regulations. More specific, mandatory, and regulatory language is included in the San Rafael Municipal Code and ordinances that implement the policies, including those contained in General Plan 2040.</p>
ORG4-3	<p>The biological resources the policies should be protecting - the trees, wetlands, streams, and other native vegetation - are essential for wildlife and for human survival. They provide us with clean air, clean water, stable streambanks and hillsides, aesthetic and recreational enjoyment, and carbon sequestration. They are essential for wildlife and for people. Policies intended to protect the biological resources should be clear and definite- their value is questionable or non-existent if all</p>	The concerns of the commenter over qualifying language in the General Plan 2040 policies are noted. The "not practical" and "not feasible" statements are taken from the City’s existing General Plan 2020 language and in most cases haven’t been added as new language in the policies and programs of General Plan 2040. It is impossible to predict the specific circumstances of each application and some level of discretion is needed in

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>applicants need to do is to declare compliance is "not practical" or "not feasible." We recommend that the qualifying provisions be deleted from policies. The only exceptions that should be included are for minor losses or impacts that would allow minimal development so that the city avoids a taking of private property, and for small losses necessary for the public safety projects, such as essential flood control.</p>	<p>implementing policy language. These exceptions are accepted practice in the structure of General Plan policies. They also reflect the balancing of input from multiple, diverse stakeholders serving on the General Plan 2040 Steering Committee, including some who felt current policies were too restrictive and potentially inequitable.</p>
ORG4-4	<p>Many of the proposed biological resource policies are the same as the current General Plan, so there should be history showing how these exceptions have been used during the last 20 years. The EIR should discuss how these exceptions have been interpreted during project reviews, and how they have impacted the biological resources of concern. We note also that during those years, the value of the resources has become more widely valued, those benefits are limited compared to the air and water quality, carbon sequestration, aesthetic, water conservation, biodiversity and habitat provided by native trees. The DEIR does not acknowledge the importance of native trees (except oaks), even though a state and federal threatened Northern Spotted Owl nest site is in the redwood trees within or near San Rafael's boarder.</p>	<p>Chapter 4.4, Biological Resources, of the Draft EIR, provides a detailed assessment of the potential impacts of implementing General Plan 2040. A discussion of exceptions to policies contained in General Plan 2020 over the last 20 years is beyond the scope of the CEQA analysis. Limitations and challenges related to policy implementation has informed the refinements made to the proposed language in General Plan 2040 and includes reorganizing some of the current policies and adding additional policies to reinforce protection of sensitive resources.</p> <p>Chapter 4.4, Biological Resources, of the Draft EIR, includes information on native trees and their use as roosting and possible nesting locations by birds and other wildlife. This includes the discussion under Impact Discussion BIO-5 on pages 4.4-42 and 4.4-43, which lists all of the relevant policies and programs related to tree protection. These are not exclusive to native oaks, as suggested by the commenter, and include Policy C-1.16: Urban Forestry. Program C-1.16A: Increasing the Tree Canopy; Program C-1.16B: Tree City USA, Program C-1.16C. Tree Preservation, Policy C-1.17: Tree Management, Policy CDP-3.5: Street Trees, Program CDP-3.5A: Street Tree Master Plan, Program CDP-3.5C: Street Trees for New Development, Program CDP-3.5D: Street Tree Maintenance. Policy CDP-3.6: Tree Replacement, and Program CDP-3.6A: Mitigation for Tree Removal.</p>
ORG4-5	<p>The current GP has a quite good policy encouraging landscaping with native plants (CON-16). The DEIR should discuss why that policy has not been carried over as many other policies have been recommend retaining the policy in GP 2040.</p>	<p>The referenced policy was carried forward in the 2040 General Plan as C-1.15. Per input from individual Steering Committee members, the reference to native plants was replaced with "Native and Compatible Non-Native Plant Species that are appropriate for the dry summer climate of the Bay Area."</p>
ORG4-6	<p>Policy C 1.12B calls for avoiding the loss of habitat as the preferred alternative to the loss of trees. But if the loss is deemed unavoidable, mitigation based on vegetation mass rather than number of trees is called for. Please describe how tree mass is or would be calculated? What are the benefits of calculating tree mass for mitigation instead of a numeric ratio score.</p>	<p>The mitigation provisions in Program C-1.12B are intended to minimize impacts on oak savanna/woodland habitat through avoidance, minimization, and compensation when habitat loss is unavoidable. The proposed approach to focus on affected habitat acreage rather than individual trees was based on guidance used by CDFW in mitigating impacts to habitat and input received from the Steering Committee for the General Plan 2040 update process.</p> <p>As stated in Response ORG4-4, Chapter 4.4, Biological Resources, of the Draft EIR, includes information on native trees and the policies and programs proposed in the General Plan 2040 that address these resources. As discussed under Mitigation Measure BIO-5, no major conflicts are anticipated related to implementation of local policies or ordinances protecting biological resources. However, Program C-1.12B does not provide guidance on compensatory mitigation standards where avoidance is not feasible, which would be useful in advance of the adoption of a tree or woodland protection ordinance by the City. In response to the comment, Program C-1.12B in General Plan 2040 has been revised as shown in Chapter 5, Revisions to the Draft EIR, with clarifying new language regarding compensatory mitigation standards for native oak woodland habitat replacement. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
ORG4-7	<p>A mitigation program should also require that any native trees lost be replaced with native trees preferably on-site. Better yet, a preference should be included for replacement of urban-type trees with natives. Program C 1.16C should be strengthened by changing "Consider ordinances and standards that limit the removal of trees of a certain size and require replacement..." to " Adopt ordinances and standards to protect trees, particularly native trees.."</p>	<p>As stated in Response ORG4-4, Chapter 4.4, Biological Resources, of the Draft EIR, includes information on native trees and the policies and programs proposed in the General Plan 2040 that address these resources. As discussed under Impact Discussion BIO-5, no major conflicts are anticipated related to implementation of local policies or ordinances protecting biological resources. However, Programs C-1.16A and C-1.16C do not emphasize the use of native tree species which would be useful as part of programs to increase tree canopy and in advance of the adoption of a tree or woodland protection ordinance by the City. Program C-1.16C could also be strengthened by indicating adoption of a tree preservation ordinance rather than considering adoption.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG4-8	Program CDP 3.6A: states " Continue to implement mitigation requirements for tree removal...." But the requirements are not provided. The city's mitigation requirements for tree impacts should be presented, so the public can evaluate their adequacy, and their effectiveness should be discussed.	<p>In response to the comment, Programs C-1.16A and C-1.16C in General Plan 2040 have been revised as shown in Chapter 5, Revisions to the Draft EIR, with clarifying language regarding use of native trees.</p> <p>Please see Responses ORG4-6 and ORG4-7 for additional clarification on program language and standards for tree replacement. The broad language used in policies and programs reflect the nature and function of the General Plan and its use as a guiding document that informs regulations. More specific, mandatory, and regulatory language is typically included in the San Rafael Municipal Code and ordinances that implement the policies, including those contained in General Plan 2040.</p>
ORG4-9	Also, some non-native trees, notably eucalyptus and acacias, have adverse impacts. They are highly invasive, outcompete native plants, are flammable and provide minimum habitat for wildlife. The DEIR should address the environmental values of native trees, the negative impacts of invasive trees, and recommend planting with natives.	<p>The Biological and Wetland Resources Background Report contained in Appendix E of the Draft EIR includes information on invasive species, including eucalyptus. The following is the relevant information on invasive species from pages 3 and 43 of the Report:</p> <p><i>Some non-native ornamental species are considered highly invasive because of their ability to spread and eventually dominate natural areas if unmanaged. Many of these are common in the Planning Area in urbanized areas, along riparian corridors, and in hillside open space and remaining undeveloped private lands. These include: silver wattle (Acacia dealbata), blackwood acacia (Acacia melanoxylon), several species of broom (Genista monspessulana; G. juncea; and Cytisus scoparius), pampasgrass (Cortaderia selloana), cotoneaster (Cotoneaster spp.), bermudagrass (Cynodon dactylon), Germany ivy (Delawarea odorata), English ivy (Hedera helix), bermuda buttercup (Oxalis pes-caprae), Himalaya blackberry (Rubus armeniacus), periwinkle (Vinca major), and Tasmanian blue gum (Eucalyptus globulus). The California Invasive Plant Council (Cal-IPC) has developed a comprehensive data base, the Invasive Plant Inventory, which ranks invasive species based on the threat they pose to natural habitat. All of the above species and others known to exist in the vicinity of San Rafael, are considered to have a high to moderate ranking by Cal-IPC because of their invasive properties and the threat they pose to natural areas.</i></p> <p>Chapter 4.4, Biological Resources, of the Draft EIR, does address the importance of native trees under Mitigation Measure BIO-5, including a listing of proposed policies and programs in General Plan 2040 that pertain to tree resources. These include Policy C-1.16: Urban Forestry, Program C-1.16A: Increasing the Tree Canopy, Program C-1.16B: Tree City USA, Program C-1.16C: Tree Preservation, Policy C-1.17: Tree Management, Policy CDP-3.5: Street Trees, Program CDP-3.5A: Street Tree Master Plan, Program CDP-3.5C: Street Trees for New Development, Program CDP-3.5D: Street Tree Maintenance. Policy CDP-3.6: Tree Replacement, and Program CDP-3.6A: Mitigation for Tree Removal.</p> <p>Policy C-1.14: Control of Invasive Plants, together with the supporting implementation programs, address the threat from non-native invasive trees and other invasive species. These include Program C-1.14A: Identification of Desirable and Undesirable Species, Program C-1.14B: Integrated Pest Management Policy, Program C-1.14C: Removal of Invasive Species, and Program C-1.14D: Wildlife Action Plan Implementation. No revisions are considered necessary in response to the comment.</p>
ORG4-10	We emphasize that the lack of recognition and protections for native trees (except oaks) amounts to a preference for non-natives, and this conflicts with BIO-1 and BIO-2. In particular, a policy protecting redwood trees must be included in the GP because of their essential value to the state and federal threatened Northern Spotted Owl, significant sequestering of carbon and other values.	<p>Please see Responses ORG4-6 and ORG4-7 for additional clarification on program language and standards for tree replacement. Policies and programs in General Plan 2040 related to tree protection and replacement are not limited to oaks, as suggested by the commenter. In instances where Northern Spotted Owl or other special-status species are present in a redwood tree or other habitat, policies and programs in General Plan 2040 call for their identification and protection, as discussed under Impact Discussions BIO-1 and BIO-2 of the Draft EIR. This includes Policy C-1.13: Special Status Species, and Programs C-1.13A: List of Species, Program C-1.13B: Surveys, and Program C-1.13C: Mitigating Impacts on Special Status Species. Program C-1.13B requires that sites be surveyed for the presence or absence of special status species prior to development approval, and that</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG4-11	<p>We also note the lack of recognition of native trees in the Climate Change section of the GP. While Table 4.8-6 Sequestration and Adaption section recognizes the importance of trees in improving air quality and sequestering carbon, the value of the native trees in these processes is not mentioned. We strongly recommend that native tree species be emphasized in this section.</p>	<p>the surveys be conducted prior to development-related vegetation removal. A specific policy protecting redwood trees because of the possible presence of Northern Spotted Owl would be inconsistent given this species is known to nest in other tree species as well. No revisions to the Draft EIR have been completed in response to this comment.</p>
ORG4-12	<p>Program C 1.13A calls for listing species C 1.13B calls for surveys when and where surveys would be taken; and C1.13C addresses mitigation for changing the design of the project or other measures that would avoid the loss or unavoidable impacts such as design changes, construction and operations changes, or on-site set asides, offsite acquisitions. A policy should state a preference for avoidance measures during and after construction. Although knowing a species is present is certainly an important component that should be included in a policy for protecting a species, however, survey's alone do not protect birds or other wildlife. They should not be considered adequate mitigation. Measures such a changing the project design, so that the impacts are avoided should be stressed. The importance of impact avoidance as well as enhancement/restoration of habitats should be discussed.</p>	<p>The commenter recommended revisions to programs related to protection and mitigation of special-status species, addressed under Impact Discussion BIO-1 in Chapter 4.4, Biological Resources, of the Draft EIR. A detailed review of State and federal regulations protecting biological resources, including special-status species, is provided in Section 4.4.1.1, Regulatory Framework, of Chapter 4.4, Biological Resources, of the Draft EIR. As discussed on pages 4.4-29 through 4.4-31, provisions in General Plan 2040 related specifically to special-status species include Policy C-1.13: Special Status Species and Programs C-1.13A: List of Species, Program C-1.13B: Surveys, and Program C-1.13C: Mitigating Impacts on Special Status Species. Program C-1.13C requires that potential unavoidable impacts to special status species be minimized through design, construction, and project operations, and that if such measures cannot adequately mitigate potential impacts, that measures such as on-site set asides, off-site acquisitions (conservation easements, deed restrictions, etc.), and specific restoration efforts be required that benefit the listed species. This language specifically includes consideration of adjustments to the project design, construction, and project operations to minimize impacts. These minimization measures would only be required if during environmental review of the project any identified occurrence of special-status species could not be fully avoided.</p>
	<p>The recommended new Program to avoid breeding bird nests should be clarified and adopted. Contacting the CDFW to determine the size of the buffer zone to protect a specific particular nesting species should be added to a policy. Protecting a nest tree during construction in the nesting season addresses one impact, but some special status species tend to nest in the same area, if not the same tree, every year. These include Northern Spotted Owl, other raptors such as eagles and kites. Permanent protection of the nest areas should be addressed by policies in order to protect special status species.</p>	<p>While Program C-1.13C only applies where occurrences of special-status species cannot be avoided, clarification of this intent would serve to reinforce the importance of avoidance as part of the environmental review process and application of General Plan 2040. Further clarification on the importance of avoiding occurrences of special-status species to the degree feasible, and consulting with State and federal agencies where listed species may be affected would reinforce the review process as part of this program. In response to the comment, Program C-1.13C has been revised as shown in Chapter 5, Revisions to the Draft EIR, with clarifying language regarding avoidance of occurrences of special-status species. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
		<p>As stated in Response GOV 6-8, revisions to Mitigation Measure BIO-1 on page 4.4-31 of the Draft EIR have been made regarding the new program on avoidance of nesting birds. These revisions are consistent with the requests made in comments on the Draft EIR by the California Department of Fish and Wildlife. Appropriate setbacks would be established to ensure avoidance of any active bird nests as determined by the qualified biologist using professional standards and input from CDFW, where necessary. No additional revisions to this measure are considered necessary.</p>
		<p>In instances where essential habitat features of a State and/or federally-listed species such as a Northern Spotted Owl nest is encountered during required surveys called for in Program C-1.13B, additional review and avoidances provisions would be identified that would serve to protect the activity center, including the nest</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG4-13	<p>The recommended new Program to avoid breeding bird nests should be clarified and adopted. Contacting the CDFW to determine the size of the buffer zone to protect a specific particular nesting species should be added to a policy. Protecting a nest tree during construction in the nesting season addresses one impact, but some special status species tend to nest in the same area, if not the same tree, every year. These include Northern Spotted Owl, other raptors such as eagles and kites. Permanent protection of the nest areas should be addressed by policies in order to protect special status species.</p> <p>It should also be recognized that is it not only individual trees or plants that have value and comprise a habitat. It is all the native trees and other native plants and resources that make up habitat systems. The plants, streams and wetlands in an area are part of the ecosystem, as are the wildlife. For example, prey species particularly Dusty-footed Woodrats that are the favored prey items of the Northern Spotted Owl, also need protection.</p>	<p>tree. Northern Spotted Owl is State and federally listed as threatened, and consultation with the California Department of Fish and Wildlife and the United States Fish and Wildlife Service would be required where essential habitat features such as a nest tree could be removed. No additional revisions to Program C-1.13C beyond those recommended above are considered necessary in response to the comment.</p> <p>Table 4.4-3 on page 4.4-23 of the Draft EIR incorrectly indicates that Northern Spotted Owl is still a “Candidate” rather than “Threatened” under the California Environmental Species Act. To clarify the current status of this species, that change has been made to Table 4.4-3 as shown in Chapter 5, Revision to the Draft EIR, of this Final EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
ORG4-14	<p>We support the recommendations to map wildlife corridors and to develop a bird-safe design ordinance with the goal of avoiding bird collisions. Both of these actions would benefit wildlife.</p>	<p>The comment expresses support for the proposed project. No response is required.</p>
ORG4-15	<p>3.Protecting Creeks - Policy C1-6 Creek Protection. Protect and Improve Creeks....' Is a strong policy that calls for protecting and enhancing creeks and providing setbacks. However, provisions for waivers weaken some of the policies.</p> <p>Program C1.6a calls for maintaining a 25-foot setback except for along Miller Creek where larger setbacks may be required on properties of two or more acres. Waivers also can be obtained if it can be demonstrated that the reduced setback would protect the functions of the creek. We note that consultants can be found that will support reduced setbacks.</p>	<p>The concerns of the commenter regarding the protection of creeks and application of policies and programs in General Plan 2040 are noted. Please see Responses ORG4-2 and ORG4-3 regarding the purpose of the General Plan language and exceptions to strict compliance to setback standards. Any exceptions to strict compliance would trigger further review by the City, including a peer review of any studies completed by an applicant’s consulting specialists. This review would ensure that any reduction in standards defined in the General Plan are supported by objective science and provide appropriate compensatory mitigation, where necessary. No additional revisions to the policy language are considered necessary in response to the comment.</p>
ORG4-16	<p>Program C1.6B Municipal Code Compliance calls for revisiting SR Municipal Code to ensure the code adequately protects creeks and drainage ways, and to consider specific measures to mitigate destruction or damage to riparian resources from various encroachments. This program should be explained. What does the current code say and what needs to be revisited?</p>	<p>Program C-1.6B: Municipal Code Compliance is included in General Plan 2040 to ensure that the San Rafael Municipal Code is consistent with local, state, and federal regulatory agency requirements for erosion control and natural resource management, and that is amended as needed when the regulations change. The intent of this program is to evaluate whether the current code is consistent with other agency requirements. Program C-1.6B expands the language in current Policy CON-6a. The full text of both programs is shown below, for comparison.</p> <p><i>CON-6a. Municipal Code Compliance. Ensure that the San Rafael Municipal Code complies with local, state, and federal regulatory agencies requirements for erosion control.</i></p> <p><i>Program C-1.6B: Municipal Code Compliance. Ensure that the San Rafael Municipal Code is consistent with local, state, and federal regulatory agency requirements for erosion control and natural resource management and is amended as needed when these regulations change. Local public works activities shall comply with the Municipal Code.</i></p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG4-17	We strongly support daylighting, where possible, of areas of creeks that have been undergrounded. However, the potential for daylighting is only mentioned for Gallinas Creek. Discuss daylighting opportunities on other creeks, Mahon, Miller, Irwin, and San Rafael Creeks and add policies encouraging daylighting where possible on these creeks.	No revisions to the Draft EIR were completed in response to this comment. Contrary to the assertion made by the commenter, programs in General Plan 2040 do call for daylighting, restoration, and enhancement of creeks in the EIR Study Area. Program C-1.9B: Creek Restoration, encourages efforts to enhance, restore and daylight creeks, along with other clean-up and ongoing maintenance. Program C-1.9D: Restoration of San Rafael, Mahon, and Irwin Creeks, calls for pursuing opportunities for creek restoration and beautification along San Rafael, Mahon, and Irwin Creeks. In addition, Policy NH-4.8 calls for restoration of Santa Margarita Creek and Las Gallinas Creek, and daylighting of creeks in North San Rafael "wherever feasible." No revisions are considered necessary in response to the comment.
ORG4-18	4. Protecting Wetlands - We have a number of concerns about the effectiveness of policies and programs. Policy C1-1 Wetlands Preservation requires appropriate public and private wetlands preservation and restoration through the regulatory process. What regulatory process is referred here? The city should have its own process and not rely only on the state and federal processes. Of particular interest and concern are vegetated waters and seasonal wetlands at Canalways and the policies and programs protecting these resources.	Policy C-1.1 Wetlands Preservation requires public and private wetlands preservation and restoration through the regulatory process. This broad policy is intended to recognize that wetlands are regulated by State and federal law and should be preserved and protected. The City is not interested in developing its own regulatory process as recommended by the commenter, given that State and federal agencies already provide this complex review and authorization where regulated waters are affected by proposed project and activities. These include regulated waters at Canalways of concern to the commenter.
ORG4-19	Policy C 1.3. Protecting Wetlands and Program C-1.3 call for protecting wetlands unless it is "not possible or practical." As recommended above, these exceptions should be deleted. All an applicant would have to do is claim avoidance is "not practical." The DEIR should demonstrate how this policy would assure wetland protection.	Please see Responses ORG4-2 and ORG4-3 for a discussion of exceptions to standards defined in policies and programs of General Plan 2040. Qualifying language is necessary in some instances where recognizing limited exceptions to rigorous application of setbacks and other protections for wetland resources may not be possible and strict application could be considered an illegal taking of private property rights by the City. This qualifying language was used in the 2020 General Plan policies as well which include threshold and standards which prevent indiscriminate application or disregard of protection policies of concern to the commenter.
ORG4-20	Program C1-1A proposes a <i>Wetlands Overlay District</i> An overlay District as a means of identifying in advance areas that have a particular concern or interest, in this case potential wetlands, is a helpful provision. However, it is unclear how the Overlay District would be established if it is "based on wetland delineations consistent with the Corps of Engineers criteria" as stated in the policy. If the Overlay District is based on wetland delineations, the delineations would have to be performed in advance on all of the potential wetlands that would be in the District. This is unrealistic. It would be too expensive, some owners would object, in some instances it might be unnecessary and it would be temporary, because delineations have a time limit. Delineations are usually done when a development is proposed, but this would not serve for an Overlay District. Please explain the anticipated process for including sites in the District.	Program C-1.1A: Wetlands Overlay District is a continuation of current Policy CON-2a: Wetlands Overlay District. The City has already instituted a Wetland Overlay District as called for in Policy CON-2a, based on available mapping and site-specific wetland delineations for sites proposed for development. Wetland delineations are required as part of the environmental review process for sites with conditions that could support regulated waters, so this information is updated as necessary when development applications are received by the City. This process has worked effectively and will continue to be implemented by the City. It serves to identify regulated waters effectively and allows for the review and enforcement of relevant policies and programs. A review of the potential impacts of implementing General Plan 2040 on regulated waters is provided in BIO-3 of the Biological Resources section of the DEIR. Relevant policies and programs are identified and the importance of site-specific assessments for development applications proposed on or near sensitive habitats such as wetlands is acknowledged. In addition to the stated goals, policies, and programs listed in BIO-3, the discussion points out that future development must comply with SRMC Chapter 14.13, Wetland Overlay District, which requires a USACE wetland delineation and federal and State permits prior to approval of a use permit where regulated waters would be affected. This project-specific assessment would serve to identify the presence or absence of any jurisdictional waters and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. The discussion concludes that because there may be regulated waters on undeveloped properties outside of mapped Wetland Overlay District parcels that could be affected by future development, that a new program calling for surveys for regulated waters was necessary. Mitigation Measure BIO-3 was recommended to reinforce the need to conduct surveys of sites with suitable natural habitat to confirm presence or absence of regulated waters prior to development approval. This additional program would ensure that jurisdictional waters are identified and addressed as part of future development review.
ORG4-21	We propose, instead that the Baylands Corridor be adopted. This would be based on the San Francisco Estuary Institute Historic Bayland Maps, as are referenced and show in the current SR GP (Exhibit 38). The Baylands Corridor has been	The interest of the commenter in establishing a new Baylands Corridor is noted. However, the City currently implements the process of identifying and protecting wetlands through the Wetlands Overlay District. Refer to

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>adopted by Marin County and is shown and discussed in the current Countywide Plan. The EIR should discuss benefits of adopting a Baylands Corridor. It would include undeveloped lands sufficient to ensure a complete wetland habitat. Lands in the Corridor could be current habitat and/or have potential for future restoration or enhancement, have flood control benefits and enable adaptation to sea level rise impacts. It would close a gap in the Baylands Corridor that currently consists of major sections in north Marin and southern Marin as well as some sites bordering San Rafael. Potential site to be included in the Corridor are the wetlands at Beach Road, Lock, Lomond Marina, other wetlands on the north side of San Pedro Road, Mahon Creek, at the mouth of the San Rafael Canal both north and south banks, Spinnaker Lagoon, Canalyways, MMWS pond and others.</p>	<p>Response ORG4-20. Locations of wetlands of concern to the commenter, such as wetlands at Loch Lomond Marina, other wetlands on the north side of San Pedro Road, Mahon Creek, at the mouth of the San Rafael Canal, Spinnaker Lagoon, and Canalways are already contained in the Wetlands Overlay District.</p>
ORG4-22	<p>One site that would be in the Corridor is the Canalways. There is no mention of the 85-acre Canalways site in the DEIR, although there are policies and a Spotlight article on this site in the GP. We request that there be a discussion of the environmental importance of this property in the EIR, which at least addresses the following:</p>	<p>The concerns of the commenter over the 85-acre Canalways site is noted. Policies and programs in General Plan 2040 would ensure that any sensitive resources on this site, including regulated waters, are identified and protected, with adequate mitigation provided where disturbance to resources may be unavoidable. However, no specific development plans are proposed under General Plan 2040 for this site and a site-specific analysis that the commenter has requested be included in the Draft EIR is not possible and is beyond the scope of this General Plan 2040 environmental review.</p>
ORG4-23	<p>Policy NH-3.24. Canalways. This policy states among other things: "The City supports a plan for this site that balances conservation and development objectives" What does this mean? How and when did the city make this decision? What does balance mean - the amount of land coverage? That could mean some wetlands would be filled? Why would the city even make such a statement at this early stage in planning? The next sentence is even more troubling "Development should be economically viable for the site's owners..." As we have stated in earlier communications, this statement should be deleted from the Plan. It is inappropriate and not in the public interest for the city to make any promises to a property owner, much less of economic benefit. The focus of the GP should be on what is best for the city - not for individual property owners.</p>	<p>The commenter asks for clarification on Policy NH-3.24 regarding the Canalways site. The reference to the balance between conservation and development is referring to the General Plan 2040's focus on protecting existing open space and natural areas while allowing potential future development only in existing urban areas. The reference "economically viable" has been removed from Policy NH-3.24 in General Plan 2040.</p>
ORG4-24	<p>Program NH 3.24.a Canalways Conservation and Development Plan. (CCDP) This policy also warrants discussion and clarification in the EIR... Why would the GP state the intent of providing a basis for allowing a larger development than is shown on the GP land use map? This seems to predestine the outcome of the CCDP. We have no objection to a wetland delineation but this should not "shape" the development plan and "mitigation measures in the event the resources will be impacted by the site's development." All of this indicates that the city is preparing for more development on the site. Other environmental factors, including the need for wetland setbacks, historic baylands, need for sea level rise programs and stability of the soils must be considered. While preparing a CCDP may be a reasonable approach, all of the other apparent commitments are not and they should be deleted.</p>	<p>Please see Response ORG4-23.</p>
ORG4-25	<p>With regard to the Spotlight on Canalways page, the history of the environmental community's long effort to protect this site should be part of the Spotlight. Any negative changes, such as invasive plants and possible reduced wetland areas, are most likely the result of property-owner neglect and legal action, which has resulted in a requirement for the city to pump the site. Neglect is a common ploy of developers to gain more developable land on their property and should not be rewarded by promises of approvals for more development. We have no objection to development of the current upland portions of the property provided adequate buffers are incorporated.</p>	<p>The section of the General Plan has been edited to reflect the request in the first sentence of the comment. The comment does not reflect on the adequacy of the Draft EIR and no further response is warranted.</p>
ORG4-26	<p>Policy C-1.3 Wetland Protecting and Mitigation calls for avoidance of wetland fill, "unless it is not possible or practical. " As discussed above, these qualifying phrases should be deleted as they nullify the protective provisions of the policy</p>	<p>Please see Response ORG4-19.</p>
ORG4-27	<p>Program C-1.3A Compensatory Mitigation Requirement provides for 2:1 acres of compensatory mitigation for each acre of wetlands lost, on site and in-kind if the mitigation is "not possible or practical"; in which case it should be in the same drainage basin for watershed at 3:1 rate is reasonable.</p>	<p>The comment restates the program as it appears in the Draft General Plan 2040. Program C-1.3A: Compensatory Mitigation Requirements, identifies compensatory mitigation ratios where wetlands impacts are unavoidable, which the commenter supports. The comment does not reflect on the adequacy of the Draft EIR and no further response is required.</p>
ORG4-28	<p>Program C-1.3C Conditions for Mitigation Waivers provides conditions for waiver for projects filling under .01 acre; isolated; report by a wetland expert that the proposed action would not result in a functioning wetland; determination by the city that the filling would result in a more desirable project; if the city determines that the filling would result in a more</p>	<p>The concerns of the commenter over the application of Program C-1.3B: Conditions for Mitigation Waivers are noted (the commenter misidentified this as Program C-1.3C in their comments). This program identifies a process for how the City is to review and consider waivers for projects proposing to fill under 0.1 acre of</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	desirable development project; and receipt by the applicant of all necessary permits from regulatory agencies. Allowing such decisions to be made on non-biological basis is not in the public interest. Even small wetlands are important for wildlife, water sources for mammals and invertebrates, ponding areas for runoff, but most troublesome is that this policy provides for filling wetlands if the city likes the project better than the wetlands. The desirability of a project is a matter of taste and interests. and should not be justification for filling wetlands. This is precisely why we have lost so many wetlands.	regulated wetlands. It identifies conditions which must be met for a project to waive the compensatory mitigation requirement. These include requiring that the applicant provide the City with verification that all required permits have been secured and all other mitigation requirements from resource agencies with wetland oversight have been met. Even in instances where relatively small areas of regulated waters (under 0.1 acre) are affected, the regulatory agencies still require adequate compensatory mitigation which would address the proposed loss and evaluate whether listed special-status species could be affected. While the commenter is correct that even small areas of wetlands can be an important resource, this program only provides a waiver from compliance with the City's compensatory mitigation requirements which typically duplicate those required by the regulatory agencies anyway. This program is a continuation of the current General Plan 2020 Policy CON-3: Wetland Protection and Mitigation and no substantial adverse impacts are anticipated as a result of continuing to include it in General Plan 2040.
ORG4-29	Policy C-1.5 Wetland Setback: Provides for a setback of 50-feet with the possibility of more being required on 2-acre or larger sites. Again, a waiver is provided for "minor" reductions in setbacks if it can be demonstrated that encroachments would not impact the functions of the wetlands. The EIR should address the conditions for a larger buffer to be required than the 50-foot setbacks for wetlands of two or more acres. But even that setback could be waived if it can be demonstrated the functions would still be protected. Again, consultants can be found that would compromise the resources. More importantly, it is now recognized that setbacks, also called buffers or transition zones, are an important part of wetland habitats. They are essential for the endangered Ridgway Rails, for example, which much come out of the marsh at extreme tides and hide from avian predators. They are also important foraging and nest sites for other species.	Policy C-1.5: Wetland Setback calls for maintaining a minimum 50-foot development-free setback from wetlands. It specifies that the City may waive this requirement for "Minor encroachments if it can be demonstrated that the proposed setback adequately protects the functions of the wetland to the maximum extend feasible and will not cause cumulative impacts on functioning wetlands." It is basically a continuation of the language in Policy CON-3a: Project Mitigation from the current General Plan. Contrary to the assertion by the commenter, the language in Policy C-1.5 only allows for "minor encroachment" into this setback zone under certain circumstances, not the complete elimination of any setback requirement. Where the special-status species could be affected by proposed development, such as salt marsh harvest mouse or Ridgway's rail, these setback distances would likely be much larger as negotiated with the regulatory agencies. Any waiver of strict compliance would trigger further review by the City, including a peer review of any studies completed by an applicant's consulting specialists. This review would ensure that any reduction in standards defined in the General Plan are supported by objective science and provide appropriate compensatory mitigation, where necessary. No additional revisions to the policy language are considered necessary in response to the comment.
ORG4-30	Protections for "Other Waters" for habitat and other values should be adopted. This is a beneficial program that will work to protect wetlands that are not regulated by federal agencies now, although they could be in the future. Other waters are regulated by the Regional Water Quality Control Board, so they will have to be surveyed and subject to regulation eventually.	A discussion of the regulations protecting sensitive biological and wetland resources is provided in the Draft EIR in Chapter 4.4, Biological Resources, under Section 4.4.1.1, Regulatory Framework. As discussed on page 4.4-2 under Section 404 of the Clean Water Act, waters of the United States fall into two broad categories: wetlands and other waters. Other waters include waterbodies and watercourses generally lacking plant cover, such as rivers, streams, lakes, springs, ponds, coastal waters, and estuaries. But these features are still regulated waters where they meet the criteria used by the USACE or by the RWQCB for State waters protected under the Porter-Cologne Water Quality Act. Other waters are already recognized as regulated features under the relevant policies and programs in General Plan 2040, and no new program is considered necessary.
ORG4-31	In conclusion, we note that the project could have substantial adverse effects in the following areas: BIO-1 substantial adverse impacts to the Northern Spotted Owl could result and other special status species by the failure to have adequate policies to protect native trees, other vegetation, and the wildlife;	The concerns of the commenter over potential impacts on Northern Spotted Owl, other special-status species, native trees and other sensitive resources are noted. Chapter 4.4, Biological Resources, of the Draft EIR provides a detailed review of these issues of concern. Please see Responses ORG4-4, ORG4-7, ORG4-10 and ORG4-12 for additional discussion of these concerns.
ORG4-32	BIO-2 the lack of protections for native trees, other native oaks and the many exceptions to protecting these and other habitats could have substantial impacts on riparian and other native habitat systems.	Please see Responses ORG4-4, ORG4-7, ORG4-10, and ORG4-12 for a discussion of potential impacts on native trees. No substantial impacts on riparian and other native habitat systems are anticipated as a result of the policy and program language in General Plan 2040. Refer to the discussion in Chapter 4.4, Biological Resources, of the Draft EIR, under Impact Discussion BIO-2 on pages 4.4-32 through 4.4-35, for an assessment of the potential impacts of implementing General Plan 2040 on riparian and other sensitive natural community types. Mitigation Measure BIO-2 was recommended to require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval, which would serve to identify any occurrences needing protection called for

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
ORG4-33	BIO-3 significant impacts to wetlands from the many exceptions that significantly weaken or render ineffective the protective provisions.	under other policies and programs in General Plan 2040. Please see Responses ORG4-15, ORG4-18, ORG4-20, ORG4-28, ORG4-29, and 4-30 for a discussion of these issues of concern.
ORG4-34	BIO-4 the lack of protection for native trees and other vegetative habitats including riparian habitats; that provide movement corridors for wildlife;	Please see Responses ORG4-31 and ORG4-32 for a discussion of these issues of concern.
ORG4-35	and BIO-7 the cumulative impacts of all the above on biological resources. Native plant protection and encouragement for planting native plants in landscaping, elimination of expectations for wetland and stream protections, following up on survey's with avoidance policies, and assurance of adequate wetland and stream setbacks would help to reduce the significant individual and cumulative impacts of the project.	The concerns of the commenter over the cumulative impacts of future development on biological and wetland resources is noted. As stated on page 4.4-44 of Chapter 4.4, Biological Resources, of the Draft EIR, the goals, policies, and programs from General Plan 2040, together with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4, would serve to address contributions to cumulative impacts on sensitive biological and wetland resources.
ORG4-36	Thank you for considering and responding to our input. We request that the issues raised in our October 2020 letter on the Plan can be considered and responded to.	The comment provides a conclusion for the previous comments. Please see Responses ORG4-1 through ORG4-35. The commenter further requests a response to concerns expressed in an October 2020 letter submittal. This letter can be found in this document as comment letter ORG7.
ORG5 William Carney, Sustainable San Rafael		
ORG5-1	Honorable Commissioners, The fact that the Draft EIR finds the greenhouse gas (GHG) impacts of General Plan 2040 to be “significant and unavoidable” (p. 4.8-26) is a major wake-up call for San Rafael to increase its actions to reduce climate change. The DEIR projects a 20% reduction of GHG (from 2019 levels) by 2040, while stating that a 60% reduction by then would be required to meet state law (table 4.5-5).	The comment provides a brief summary of conclusions made in Chapter 4.8, Greenhouse Gas Emissions, of the Draft EIR, and provides an introduction to the comments that follow. Please see Responses ORG5-2 through ORG5-5.
ORG5-2	Contrary to the report’s statement, these GHG impacts are not unavoidable. Although meeting emission goals statewide may entail “advancements in technologies” (p. 4.8-27), that is not the case for the requisite amount of local emission reductions, for which compliant technologies already exist in all the emission sectors the DEIR lists (e.g., GHG-free electricity, electric heat pumps and appliances, electric vehicles, and organics recycling). Accordingly, we request that these significant GHG impacts be mitigated by adding the following language to the General Plan: 1. [New] <u>Program C-5.1D: CCAP Implementation and Updates. Conduct complete updates of the Climate Action Plan at least every ten years, adjusting programs to assure implementation of GHG goals, including reductions of 40% by 2030, 60% by 2040, and to levels conforming to Executive Orders S-03-05 and B-55-18 by 2050, or greater goals as may be adopted.</u> 2. <u>Program C-4.1D: Reducing Natural Gas Use. Promote Implement electrification of building systems and appliances in new buildings and those that currently use natural gas by requiring new or replacement furnaces and appliances to be electric and to utilize fossil-free electricity.</u> 3. <u>Program M-3.6A: ZEV Plan. Consistent with the San Rafael CCAP, develop and implement a Zero Emission Vehicle (ZEV) Plan with a goal of 25 percent of the passenger vehicles in San Rafael being ZEVs by 2030, and 60% by 2040. The Plan should provide for additional charging stations, preferential parking for ZEVs, and other programs that incentivize ZEV use by San Rafael residents.</u> 4. <u>4. Program CSI-4.17E: Community Composting. Consider Implement a mandatory community-scale program for curbside collection, and composting, or other low-emission conversion of food and green waste, as well as vegetation cleared through fire prevention efforts, in compliance with SB 1383 requirements to divert at least 75% of organics.</u>	As described in Chapter 4.8, Greenhouse Gas Emissions, GHG emissions impacts of the project were identified as significant unavoidable impacts. As shown in Table 4.8-5, GHG emissions reduction are only 20 percent less than the CEQA baseline and do not achieve the CEQA threshold identified in the Draft EIR of 60 percent reduction from baseline levels necessary to ensure the City is on a trajectory to achieve the long-term year 2050 reduction goal of Executive Order S-03-05. However, several program edits have been made to General Plan 2040 at the request of the commenter. The edits to the draft General Plan 2040 programs that would help reduce GHG emissions in the City requested by the commenter have been incorporated into the General Plan and are listed in Chapter 5, Revisions to the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.
ORG5-3	By implementing low-emission building electrification, transportation, and waste management as mitigations to General	The Draft EIR does not quantify GHG emissions reductions from implementation of policies included in the

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>Plan 2040, the required 60% reduction of GHG is readily achievable over the next 20 years, placing San Rafael on a solid trajectory toward carbon neutral.</p> <p>As the DEIR makes clear, it is now necessary for the City to step up to these more robust programs and requirements, with supporting ordinances and incentives finalized as soon as possible. To assist that effort, model ordinances already exist from the State, County, and other jurisdictions, along with incentive programs at MCE, TAM, and other partner agencies.</p>	<p>General Plan Update. The City of San Rafael’s Climate Change Action Plan (CCAP) is the planning tool the City uses to track and monitor GHG emissions reductions in the City. The City’s qualified CCAP currently provides quantified reductions through year 2030, which corresponds to the GHG reduction targets in Senate Bill 32. At this time, the City’s CCAP does not currently quantify GHG reduction measures past year 2030 to achieve the state’s carbon neutrality goals under Executive Order B-55-18 or Executive Order S-03-05. Modeling conducted for the General Plan Update differs from the methodology used for the CCAP. For example, transportation sources in the General Plan EIR are based on modeling conducted by Fehr & Peers and are not based on an origin-destination model that accounts for reductions in VMT from external-internal trips that leave the City in accordance with the Regional Target Advisory Committee recommendations. Therefore, the 60 percent reduction of GHG emissions in the City over 20 years through building electrification, transportation, and waste management measures cited by the Commenter cannot be substantiated without an update to the CCAP.</p> <p>As identified in Chapter 4.8, Greenhouse Gas Emissions, in the Draft EIR, Policy C-5.1, Climate Change Action Plan, requires the City to maintain and periodically update the CCAP. Policy C-5.1 is supported by Programs C-5.1A, C-5.1B, and C-5.1C, which require annual progress reports, quarterly forums, and identification of funding sources. Implementation of this Policy and its associated Programs would ensure the City is monitoring the CCAP’s progress toward achieving the City’s GHG reduction target and requires amendments if the CCAP is not achieving the specified level. At the time of the next CCAP, the City’s building and energy requirements would be reviewed to achieve the applicable targets identified in the CCAP.</p> <p>For the General Plan Update, the Goals and Policies of the General Plan provide direction to the City on zoning code updates and other programs to reduce GHG emissions, including energy use. For example, Program C-4.1D provides direction to the City on building electrification as a way to decarbonize building energy use in the City.</p>
ORG5-4	<p>The DEIR could also be further strengthened by a) an explanation of how the 40% GHG reductions itemized in San Rafael’s CCAP 2030 figure in the DEIR’s GHG calculations and determinations, along with the numerous policies and programs in General Plan 2040 itself that target additional reductions; and b) a clear description of the applicability of Executive Order B-55-18, which calls for carbon neutrality by 2045.</p>	<p>As identified in Response ORG5-3, modeling conducted for General Plan 2040 differs from the methodology used for the CCAP. The General Plan horizon year is 2040, which differs from target year of the CCAP of 2030. As a result, different emissions factors and a greater increase in population and employment was used for General Plan 2040 than the CCAP. Additionally, the methodology used to calculate transportation emissions is also different as discussed in Response ORG5-3. Because of the differences in the horizon year and modeling methodology, the itemized GHG reductions in the San Rafael’s CCAP were not applied to the GHG emissions forecast in the Draft EIR. Additionally, because of the programmatic nature of the General Plan, goals and policies are not prescriptive enough to fully take into account potential GHG emissions reductions at the 2040 horizon year. As such, Chapter 4.8 results in a more conservative analysis of proposed project GHG impacts. As stated in Response ORG5-3, the primary tool the City utilizes to track and monitor GHG emissions in the CCAP. Policy C-5.1, Climate Change Action Plan, requires the City maintain and periodically update the CCAP. Policy C-5.1 is supported by Programs C-5.1A, C-5.1B, and C-5.1C, which require annual progress reports, quarterly forums, and identification of funding sources.</p> <p>The California Air Resources Board’s (CARB) 2017 Scoping Plan outlines the State’s GHG emissions reduction goals in relation to the State’s GHG emissions targets. Currently, there are only legislative targets identified for year 2020 under Assembly Bill 32 and for 2030 under Senate Bill 32. However, the 2017 Scoping Plan also identifies progress toward the long-range goal of 2050 under Executive Order S-03-05. However, Executive Order B-55-18 was adopted after release of the 2017 Scoping Plan. As a result, CARB’s Scoping Plan does not</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		currently account for additional reductions needed to achieve carbon neutrality. Furthermore, because there is no legislative requirement to achieve the 2045 carbon neutrality goal, there is currently no mandate for CARB to update the Scoping Plan for this more ambitious target. Thus, there is no requirement for the City to explicitly engage in an analysis of consistency with 2045 carbon neutrality goal. Because California’s GHG emissions targets are outlined in the Scoping Plan, and the General Plan EIR utilizes the 2017 Scoping Plan to identify GHG emissions targets for the City, Executive Order B-55-28 is not directly applicable to the General Plan Update or EIR. However, that does not preclude the City from utilizing the more ambitious carbon neutrality goals of Executive Order B-55-18 in a future update for the CCAP. Furthermore, GHG emissions impacts of the project were identified as significant and unavoidable in Chapter 4.8 because GHG emissions reductions did not achieve a trajectory (i.e., 60 percent reduction by 2040) consistent with the longer-term goals under Executive Order S-03-05, as identified in the Scoping Plan.
ORG5-5	Overall, we commend General Plan 2040 and the Downtown Precise Plan for recommending a comprehensive range of actions to address both climate change and the other issues shaping the City’s future.	The comment provides a conclusion for the previous comments. No further response is required.
ORG6	Ross Campbell, San Rafael Rock Quarry	
ORG6-1	San Rafael Rock Quarry, Inc. (“SRRQ”), which operates the San Rafael Rock Quarry (“Quarry”), submits the below comments on the draft Environmental Impact Report (“DEIR”) prepared for the General Plan 2040 and Downtown Precise Plan. As you are aware, the Quarry is located outside of San Rafael’s city limits but within the DEIR Study Area. The Quarry is an important local employer and infrastructure materials supplier to the City of San Rafael, and, as acknowledged in the DEIR, the Quarry property may ultimately be annexed into the City as part of its post-mining redevelopment. In this regard, it is important that the both the General Plan 2040 and the DEIR carefully and accurately describe the Quarry’s current entitlements and operating characteristics.	The comment serves as an introduction to the comments that follow. Please see Responses ORG6-2 through ORG6-16.
ORG6-2	While the document overall is very well analyzed and presented, the following comments identify portions of the DEIR concerning the Quarry that are inaccurate or incorrect, and which should be acknowledged and corrected in the final DEIR.	The comment serves as an introduction to the comments that follow. Please see Responses ORG6-3 through ORG6-16.
ORG6-3	Comment 1: The DEIR states erroneously that the San Rafael Rock Quarry is a “major stationary source of noise”. (DEIR, p. 4.13-27.) The DEIR cites to no evidence for this statement. In fact, the Quarry is not a major stationary noise source, and complies with both County noise standards and separate standards set out in eight permit conditions regulating noise emissions from the Quarry. These conditions, among other stringent measures, require SRRQ to limit noise from Quarry operations to 60 dBA day/night Ldn, 70 dBA maximum and 65 dBA impulsive. SRRQ also funds an ongoing noise monitoring program to ensure that the Quarry does not exceed the stated noise limits. Since approval of the Quarry’s current operating conditions in 2010, the Quarry has not violated these noise limits. SRRQ requests that the City delete or revise the erroneous statement identified above to reflect that the Quarry is not a major stationary source of noise.	As shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR, Chapter 4.13, Noise, of the Draft EIR has been revised to clarify that the quarry operates under conditions of the current Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008), which includes conditions to address operational noise. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.
ORG6-4	Comment 2: The DEIR erroneously states that the Quarry’s current Surface Mining and Quarry Permit and Reclamation Plan “mandates a cease of operations in 2024.” (DEIR, p. 4.12-3.) In fact, the Quarry is a vested mining operation, which, among other property rights, includes a judicially-confirmed right to continue operating without a time limit. As noted in the DEIR, the Quarry is subject to both an operating permit, which includes 172 operating conditions, and a reclamation plan (the “Reclamation Plan”), which describes how the Quarry will be reclaimed post-mining. Both entitlements were approved by the County in 2010. A reclamation plan is a standalone document that is required by the state Surface Mining and Reclamation Act (“SMARA”) to, among other things, specify an anticipated termination date for mining operations. The current Quarry Reclamation Plan states that mining is anticipated to cease in 2024.	As cited in the Draft EIR, information included in Section 4.12.1.2, Existing Conditions, of Chapter 4.12, Mineral Resources, of the Draft EIR, for the San Rafael Rock Quarry and McNear Brickworks, cites the County of Marin, Department of Public Works, webpage for land use projects. Information from this website, https://www.marincounty.org/depts/pw/divisions/projects/land-use/quarry , was accessed on December 11, 2019, and March 25, 2020. Information on this website was also accessed for this Final EIR on April 8, 2021. As shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR, Chapter 4.12, Mineral Resources, of the Draft EIR has been revised to clarify the significance of the year 2024 in context of the current <i>Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008)</i> . Revisions have been made to the Section 4.12.1.2,

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>Because the Quarry is entitled to continue operating without a time limit, Condition 30 of the Quarry’s operating permit requires SRRQ, should SRRQ intend to continue mining past 2024, to submit to the County no later than December 31, 2021 an application to amend the current Reclamation Plan to reflect a later termination date for mining. Condition 30 ensures that the Quarry Reclamation Plan will comply with SMARA should SRRQ continue mining past 2024.</p> <p>The application that SRRQ submitted to the County in 2019 seeks to amend the Reclamation Plan’s anticipated termination date from 2024 to 2044. To be clear, this application is not a request for permission to continue mining, because, as noted, SRRQ is entitled to continue mining the Quarry without a time limit.</p> <p>SRRQ requests that the City delete or revise the erroneous statement identified above to clarify that the Quarry is vested and is entitled to continue operating without a time limit.</p>	<p>Existing Conditions, on page 4.12-3 and Section 4.12.3, Impact Discussion, under Impact Discussion MIN-1 on page 4.12-4. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR, and the recirculation of the Draft EIR is not required.</p> <p>As described by the commenter and stated in the Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008) approved by the County of Marin in 2010, pursuant to provision #30 the term of the amended Reclamation Plan approval will be through December 31, 2024. The year 2024 is consistent with the horizon year for the evaluation of environmental impacts presented in the certified 2009 Combined Final Environmental Impact Report for the San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit (State Clearinghouse Numbers 2005102122 and 2007082097). Provision #30a states that the current Quarrying Permit #Q-72-03 may continue to be valid beyond 2024 insofar as quarrying and mining operations have ceased, and final Phase 4 reclamation is in progress per the approved Reclamation Plan and is substantially complete. Such activities may include vegetation management, marsh management, erosion and sediment control, historic structure preservation, and harbor and water quality management. However, continued quarry operations beyond 2024 would be considered a substantial extension of the termination date of mining operations as set out in the approved Reclamation Plan. In order for quarry operations, including but not limited to, crushing, trucking product, asphalt plant operation and barging, to continue beyond 2024, an application to amend the Reclamation Plan termination date, including continued mining operations if so desired, shall be filed at least 3 years before the termination date of the amended reclamation plan (no later than December 31, 2021). As described by the commenter, and stated in Chapter 4.12, the Dutra Group recently submitted the San Rafael Rock Quarry (CA Mine ID# 91-21-0008) Application for Amendment to Conforming Amended Reclamation Plan #Q-72-03 to Extend the Proposed Termination Date of Surface Mining Operations to amend the proposed termination date from 2024 to 2044. While the commenter states the San Rafael Rock Quarry is a vested mining operation, which, among other property rights, includes a judicially-confirmed right to continue operating without a time limit, this is not the subject of this Chapter 4.12 or the Draft EIR. The comment is noted and no further response is required.</p>
ORG6-5	<p>Comment 3: The DEIR misconstrues the legal basis for and requirements set forth in the Quarry Reclamation Plan. The Reclamation Plan is required by state law, SMARA, and not as a “requirement for approval of the Surface Mining and Quarrying Permit”. (DEIR, p. 4.12-3.) Under SMARA, all surface mining operations must have a reclamation plan. (Pub. Resources Code, § 2770.)</p> <p>The DEIR also misstates the Reclamation Plan’s requirements. In particular, the Reclamation Plan prescribes more for the “northeast portion of the site” (called the “North East Quadrant” in the Reclamation Plan) than just “vegetation restoration”. (DEIR, p. 4.12-3.) Additional surface mining operations, to a limit specified in the Reclamation Plan, will still occur in the North East Quadrant, accompanied by reclamation grading and berm construction.</p> <p>The Reclamation Plan, further, does not require “working closely with the United States Fish and Wildlife Service to protect the California red-legged frog.” (DEIR, p. 4.12-3.) The Reclamation Plan requires SRRQ to survey and assess habitat for the species as part of seeking County grading permits for each reclamation phase. A biological survey performed in 2015 found a single California red-legged frog (“CRLF”) metamorph in a rainwater pond created by mining operations. SRRQ ceased operations in the area. A subsequent survey in 2017 found no further CRLF on the site and concluded that no suitable habitat was present. No CRLF have since been identified on the Quarry site. Because no CRLF are present on the site, and the site is not suitable habitat, SRRQ is not required to “work closely” with USFW.</p>	<p>As cited in the Draft EIR, information included in Section 4.12.1.2, Existing Conditions, of Chapter 4.12, Mineral Resources, of the Draft EIR, for the San Rafael Rock Quarry and McNear Brickworks, cites the County of Marin, Department of Public Works, webpage for land use projects. Information from this website, https://www.marincounty.org/depts/pw/divisions/projects/land-use/quarry, was accessed on December 11, 2019, and March 25, 2020. Information on this website was also accessed for this Final EIR on April 8, 2021.</p> <p>As shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR, Chapter 4.12, Mineral Resources, of the Draft EIR has been revised to clarify the significance of the year 2024 in context of the current <i>Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008)</i>. Revisions have been made to the Section 4.12.1.2, Existing Conditions, on page 4.12-3 and Section 4.12.3, Impact Discussion, under Impact Discussion MIN-1 on page 4.12-4. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR, and the recirculation of the Draft EIR is not required.</p> <p>With respect to the statement that the Reclamation Plan requires working closely with the United States Fish and Wildlife Service (USFWS) to protect the California red-legged frog, while not stated verbatim, it is implied in the certified 2009 Combined Final Environmental Impact Report for the San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit (State Clearinghouse Numbers</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>SRRQ requests that the City delete or revise the erroneous statements identified above to clarify that (1) the Reclamation Plan is required by SMARA; (2) additional mining and reclamation activities will occur in the Northeast Quadrant; and (3) surveys have determined that no CRLF are present on the Quarry site.</p>	<p>2005102122 and 2007082097). As described in the 2009 EIR, Mitigation Measures R4.3-8a requires, amongst other provisions, that the San Rafael Rock Quarry retain a qualified biologist to conduct a habitat assessment for California red-legged frog according to USFWS guidelines, submit the habitat assessment to USFWS for review, and comply with USFWS recommendations. Further, the current Quarrying Permit #Q-72-03 (see page 28) requires the permittee (San Rafael Rock Quarry) to conduct quarry operations in a manner that avoids take of California red-legged frog, and specifically identifies that this be done via implementation of EIR Mitigation Measure R4.3-8a. Further, the County of Marin News Release on June 25, 2018 (https://www.marincounty.org/main/county-press-releases/press-releases/2018/dpw-rockquarry-062518) and letter to the neighbors issued by Aimi Dutra dated May 1, 2017 (http://www.sanrafaelrockquarry.com/quarry-blog), which provided status updates for compliance with the current Quarrying Permit #Q-72-03, both describe that the San Rafael Rock Quarry worked closely with the USFWS and an industry specialist, Sequoia Ecological Consulting Inc., to plan for the proper handling of the California red-legged frog and its habitat. The commenter did not provide copies of the documents referenced regarding the identification, or any subsequent surveys (2015 and 2017), related to presence of or suitable habitat the California red-legged frog on-site. Accordingly, no further response to this portion of the comment can be made. Nonetheless, as shown in Chapter 5, Revisions to the Draft EIR, Chapter 4.12, Mineral Resources, of the Draft EIR has been revised to acknowledge the information provided by the commenter as it has no bearing on the analysis provided in the Draft EIR. Revisions have been made to the Section 4.12.1.2, Existing Conditions, on page 4.12-3. The revisions clarify that the current Quarrying Permit #Q-72-03 does not specifically state nor require that the San Rafael Rock Quarry "work closely" with the USFWS. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR, and the recirculation of the Draft EIR is not required.</p>
ORG6-6	<p>Comment 4: The DEIR states inaccurately that the "Dutra Group recently submitted an application amendment to extend operations through 2044 to allow access to rock reserves remaining under the existing entitlements for the San Rafael Rock Quarry and McNear Brickworks." (DEIR, p. 4.12-3.)</p> <p>As noted above, the Quarry is a vested mining operation that includes a judicially-confirmed right to continue operating without a time limit. SRRQ's recent application seeks only an administrative amendment to the Quarry Reclamation Plan as required by SMARA to change the anticipated termination date for mining from 2024 to 2044. SRRQ has not requested an amendment to the current operating conditions for the Quarry. Further, mining operations will continue within the areas already identified in the current Reclamation Plan, which do not include McNear Brickworks.</p> <p>SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.</p>	<p>As cited in the Draft EIR, information included in Section 4.12.1.2, Existing Conditions, of Chapter 4.12, Mineral Resources, of the Draft EIR, for the San Rafael Rock Quarry and McNear Brickworks, cites the County of Marin, Department of Public Works, webpage for land use projects. Information from this website, https://www.marincounty.org/depts/pw/divisions/projects/land-use/quarry, was accessed on December 11, 2019, and March 25, 2020. Information on this website was also accessed for this Final EIR on April 8, 2021.</p> <p>As shown in Chapter 5, Revisions to the Draft EIR, of this Final EIR, Chapter 4.12, Mineral Resources, of the Draft EIR has been revised to clarify the significance of the year 2024 in context of the current <i>Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008)</i>. Revisions have been made to the Section 4.12.1.2, Existing Conditions, on page 4.12-3 and Section 4.12.3, Impact Discussion, under Impact Discussion MIN-1 on page 4.12-4. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR, and the recirculation of the Draft EIR is not required.</p>
ORG6-7	<p>Comment 5: The DEIR states inaccurately that "the County of Marin is currently reviewing an operating permit extension for the San Rafael Rock Quarry and McNear Brickworks that is anticipated to be approved, extending mining operations through 2044." (DEIR, p. 4.12-4.)</p> <p>As noted above, the Quarry is a vested mining operation that includes a judicially-confirmed right to continue operating without a time limit. SRRQ's recent application seeks only an administrative amendment to the Quarry Reclamation Plan as required by SMARA to change the anticipated termination date for mining from 2024 to 2044. SRRQ has not requested an amendment to the current operating conditions for the Quarry. Further, mining operations will continue within the areas already identified in the current Reclamation Plan, which do not include McNear Brickworks.</p> <p>SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.</p>	<p>As shown in Chapter 5, Revisions to the Draft EIR, Chapter 4.12, Mineral Resources, of the Draft EIR has been revised to acknowledge the information provided by the commenter. Revisions have been made to the Section 4.12.1.2, Existing Conditions, on page 4.12-4. The revisions clarify that the County of Marin is currently reviewing the Dutra Group's recently submitted San Rafael Rock Quarry (CA Mine ID# 91-21-0008) Application for Amendment to Conforming Amended Reclamation Plan #Q-72-03 to Extend the Proposed Termination Date of Surface Mining Operations to amend the proposed termination date from 2024 to 2044. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR, and the recirculation of the Draft EIR is not required.</p>
ORG6-8	<p>Comment 6: The DEIR suggests that the Quarry is subject to code enforcement activities in Program NH-5.6A ("Seek ongoing input into County code enforcement activities . . ."). (DEIR, p. 4.12-5.)</p>	<p>The comment calls into question General Plan 2040 Program NH-5.6A. Program NH-5.6A was provided via email, in draft form, to Thomas Gabriel of Waterfront Community Partners, LLC, on July 13, 2020. The language</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>The Quarry is not subject to any “County code enforcement activities”, and in fact, the Quarry has never been subject to a County code enforcement action since approval of its current operating conditions and Reclamation Plan in 2010.</p> <p>SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.</p>	<p>in Program NH-5.6A was reviewed without comment by Thomas Gabriel, via email, on July 15, 2020. The reference to Code Enforcement appeared in General Plan 2020 and had been carried forward to General Plan 2040. Program NH-5.6A has been edited in the final General Plan 2040 to delete reference to Code Enforcement. The comment does not address the adequacy of the analysis in the Draft EIR and no further comment is warranted.</p>
ORG6-9	<p>Comment 7: The DEIR suggests inaccurately that the County of Marin can periodically impose new “Best Management Practices” on Quarry operations (“The City will urge the County to require Best Management Practices for Quarry operations . . .”). (DEIR, p. 4.12-5.)</p> <p>The Quarry is subject to 172 operating conditions approved in 2010 and additional requirements under the Quarry’s SMARA-compliant Reclamation Plan. The Quarry, as noted, is a vested mining operation, and its current operating entitlements are also vested. The County does not have a legal basis or authority to impose new or additional “Best Management Practices” as the DEIR seems to suggest.</p>	<p>The comment calls into question General Plan 2040 Program NH-5.6A. Program NH-5.6A was provided via email, in draft form, to Thomas Gabriel of Waterfront Community Partners, LLC, on July 13, 2020. The language in Program NH-5.6A was reviewed without comment by Thomas Gabriel, via email, on July 15, 2020. The reference to Code Enforcement appeared in General Plan 2020 and had been carried forward to General Plan 2040. The language in General Plan 2040 was previously reviewed by the Quarry’s designee. The reference to Best Management Practices in the final General Plan 2040 was modified to reflect the comment.</p>
	<p>SRRQ encourages the City to review the Quarry’s current operating conditions, which already require “air quality testing, water quality monitoring and improvements, and runoff controls that reflect the latest technology and scientific methods.” (DEIR, p. 4.12-5.) Other operating conditions include measures to reduce and eliminate noise, measures to control and limit truck traffic, biological protection measures, and operating hours. SRRQ also continually upgrades its operations on its own. SRRQ files annual reports with the County documenting its compliance with these and other operating conditions, and the County inspects the Quarry annually as well.</p> <p>SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.</p>	
ORG6-10	<p>Comment 8: The DEIR incorrectly suggests that the costs to reclaim the Quarry will become “public costs” (“[f]uture public costs associated with reclamation, such as long-term environmental restoration and infrastructure repair, are objectively measured and considered in decisions about future quarry operations”). (DEIR, p. 4.12-5.)</p> <p>The Reclamation Plan, as required by SMARA, addresses long-term environmental restoration of the Quarry site and infrastructure in preparation for post-mining redevelopment. Costs to reclaim the Quarry in accordance with the Reclamation Plan will never become “public costs”. SMARA requires all surface mining operations to post and annually update financial bonds in an amount adequate to cover the costs of reclamation. (Pub. Resources Code, § 2773.1.) Consistent with this requirement, SRRQ maintains a financial bond that is payable to the County and the State. The financial bond is analyzed annually by the County and the State Division of Mine Reclamation and updated annually as required by SMARA.</p>	<p>The comment calls into question General Plan 2040 Program NH-5.6A. Program NH-5.6A was provided via email, in draft form, to Thomas Gabriel of Waterfront Community Partners, LLC, on July 13, 2020. The language in Program NH-5.6A was reviewed without comment by Thomas Gabriel, via email, on July 15, 2020. The reference to Code Enforcement appeared in General Plan 2020 and had been carried forward to General Plan 2040. The word “public” was from an earlier draft of the Program and had already been removed from the Public Review Draft General Plan 2040 when it was published.</p>
ORG6-11	<p>Comment 9: Program NH-5.6B inaccurately calls for the City to “[c]ollaborate with residents to ensure that any modifications to the existing Operating Permit remain within the restrictions imposed by existing and future court orders.” (DEIR, p. 4.12-5.)</p> <p>The Quarry’s vested rights were confirmed in a 2004 judicial decision. This is a final decision, and no “future court orders” are predicated or necessary to effectuate this decision. The current Quarry operating conditions are, as stated by the court, voluntarily-accepted, economically-viable conditions that minimize or eliminate potential operating impacts on neighbors. No changes to these conditions are proposed.</p> <p>In terms of “collaboration with residents”, the City should note that SRRQ values community collaboration and already has a program in place to collaborate with the community on a regular basis. For example, SRRQ holds biannual community meetings, including one annual meeting with a public tour of quarry operations. In addition, the Quarry provides tours to local groups such as the Boy Scouts and local elementary schools, and provides updates to the community through an</p>	<p>The comment calls into question General Plan 2040 Program NH-5.6A. Program NH-5.6A was provided via email, in draft form, to Thomas Gabriel of Waterfront Community Partners, LLC, on July 13, 2020. The language in Program NH-5.6A was reviewed without comment by Thomas Gabriel, via email, on July 15, 2020. The reference to Code Enforcement appeared in General Plan 2020 and had been carried forward to General Plan 2040. Clause “e”, which references collaborating with residents, has been removed from the Draft General Plan 2040.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	actively managed website and social media accounts.	
	SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.	
ORG6-12	<p>Comment 10: The DEIR should be updated to reflect previous analyses which concluded that “restoring the saltwater marsh to tidal action” is infeasible. (DEIR, p. 4.12-6.) Pursuant to the Quarry’s current operating conditions, SRRQ developed and the County approved a Marsh Restoration Plan pursuant to which SRRQ has undertaken a number of actions to enhance ecological values in the salt marsh located in the North West Quadrant of the Quarry site, along Point San Pedro Road.</p> <p>Development of the Marsh Restoration Plan included a “full tidal restoration” alternative that was analyzed by the County and all relevant resource agencies. The County and agencies eliminated this alternative because full tidal restoration would result in flooding to Point San Pedro Road, Chapel Cove, and McNear’s Brickyard.</p> <p>SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.</p>	<p>The comment calls into question General Plan 2040 Program NH-5.6A. Program NH-5.6A was provided via email, in draft form, to Thomas Gabriel of Waterfront Community Partners, LLC, on July 13, 2020. The language in Program NH-5.6A was reviewed without comment by Thomas Gabriel, via email, on July 15, 2020. The reference to Code Enforcement appeared in General Plan 2020 and had been carried forward to General Plan 2040. The words “to tidal action” have been removed from Policy NH-5.7 (f) so that the clause simply says “restoring the saltwater marsh.”</p>
ORG6-13	<p>Comment 11: The DEIR inaccurately suggests that Quarry truck traffic results in unmitigated impacts to Point San Pedro Road (“Continue, and periodically update, measures to mitigate the impacts of quarry-related truck traffic on Point San Pedro Road”). (DEIR, p. 4.16-35.) Quarry truck traffic does not result in any unmitigated impacts on Point San Pedro Road, and monitoring data collected indicates that the Quarry’s traffic levels are within County permit limits. The Quarry has also implemented a host of programs to improve traffic, bike and pedestrian safety along the Point San Pedro Road corridor including:</p> <ol style="list-style-type: none"> 1. Strict limits on truck traffic per day. 2. Implementation of a trucker management program that details rules of the road, hauling times, speeds, etc. The program includes a process for warnings, citations and bans if needed. 3. Full time truck marshal who monitors the PSPR corridor. 4. Strep sweep between the entrance to SRRQ and San Rafael High School. 5. Metering truck traffic during peak times. 6. Require all trucks hauling material, with the exception of rip rap to tarp their loads. 7. Require all trucks leaving the quarry to wash their undercarriage, and all trucks expect those hauling asphalt to go through an overhead wash. <p>As analyzed in the Quarry environmental documents, these measures fully mitigate the potential impacts of Quarry truck traffic on Point San Pedro Road.</p> <p>SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.</p>	<p>Mobility Element Program M-5.6B: Quarry Traffic in the 2040 General Plan has been modified to replace the word “mitigate” with the word “address” as follows: “Continue, and periodically update, measures to address the impacts of quarry-related truck traffic on Point San Pedro Road.”</p>
ORG6-14	<p>Comment 12: The BPMP proposes a Class I bike path around the perimeter of Point San Pedro. Note that this location is not consistent with the County-approved Reclamation Plan for the Quarry, and since the ultimate redevelopment of the Quarry is not included in this General Plan Update, we request this path location be removed from the document. However, when the Quarry is finished operating, and the site reclaimed, the ultimate redevelopment plan will include greater bike and pedestrian path lengths and access than shown on this current plan. Specific path locations will be proposed at that time.</p>	<p>The comment indicates that the San Rafael Bicycle and Pedestrian Master Plan (BPMP) proposes a Class I bike path around the perimeter of Point San Pedro. As shown on Page 48 of the San Rafael BPMP, there is an existing Class II bike lane along Point San Pedro Road. The illustration on page 48 also indicates that the San Rafael BPMP proposes an additional pathway on the southern edge of Point San Pedro Road. However, this pathway is designated as “to be determined” which is defined on page 34 of the BPMP as being “projects which require additional study about overall project feasibility, desires of neighboring residents, and potential tradeoffs before stating a preference.” As such, the San Rafael BPMP does not propose a Class I bike path along the</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		perimeter of Point San Pedro and implementation of the proposed project would not result in the construction of a Class I bike path along the perimeter of Point San Pedro. The comment does not address the adequacy of the Draft EIR and no further response is warranted.
ORG6-15	Comment 13: We applaud the City's efforts on the General Plan 2040 and in the DEIR to update the City's general transportation policies. The City's inclusion of a host of potential VMT reduction options (such as support of mass transit, commute trip reduction, last mile connections, shuttles, water transit and other opportunities and measures to accommodate housing growth without significant transportation and quality of life impacts) brings the City's policies into conformance with the best current regional thinking on the issue.	The comment expresses support for the transportation policies incorporated as part of the proposed project. No response is required.
ORG6-16	While we have proposed some corrections to some of the language in the DEIR, SRRQ appreciates the City's efforts and the high quality of its work on the General Plan 2040 and the DEIR. The above corrections and clarifications will help ensure that these important documents accurately describe the Quarry's entitlements and operating characteristics.	The comment provides a conclusion for the previous comments. Please see Responses ORG6-1 through ORG6-15.
ORG7	Barbara Salzman, Co-Chair Conservation Committee, Marin Audubon Society	
ORG7-1	The Marin Audubon Society appreciates your consideration of our comments on sections of the Draft San Rafael General Plan 2040 that address wetlands, including Canalways, special status species, and native trees. We will likely provide additional comments during the course of environmental review. Our current comments are:	The comment serves as an introduction to the comments that follow. This comment letter by the Marin Audubon Society predates the Marin Audubon Society letter incorporated into this Response to Comments document as comment letter ORG4. Although the comment is submitted in response to the General Plan 2040, and not the Draft EIR, the commenter requested in comment letter ORG4 that this comment letter be included as part of the Final EIR. The comment does not address the adequacy of the Draft EIR and no response is required. The City of San Rafael addressed the comments provided by the commenter at the December 15, 2020 Planning Commission meeting.
ORG7-2	Canalways : Our primary concern and alarm is about the Canalways site. Policies NH 3.24, Program NH 3.42A and the Spotlight discussion on page 4-49 fail to recognize and acknowledge that there has been close to a 50 years effort on the part of the environmental community to protect this site from being developed. To protect its resource values Marin Audubon first attempted to purchase the site on tax default sale when it was in the original ownership of the pyramid company, Holiday Magic. Unfortunately, the current developers were able to purchase the property in spite of Marin Audubon's effort which included funding from the State Coastal Conservancy. Since then, Marin Audubon and other organizations have supported efforts by regional agencies to reject development of the property and reported infractions. A second attempt to purchase the property occurred five years ago.	The comment expresses concern regarding the history of conservation efforts on a property in San Rafael referred to as the "Canalways" site. The comment does not address the Draft EIR. Please see Response ORG4-25 which addresses a similar comment. Please see Responses ORG4-22 through ORG4-24 for information regarding specific General Plan 2040 policies and programs regarding the Canalways site, including General Plan 2040 edits made in response to this comment.
ORG7-3	Apparently all of that history has been lost, as the currently proposed policies would allow for increased development. The most shocking statement in Policy NH 3-24 is "Development should be economically viable for the site's owners..." In our more than 40 years of reviewing general plans, we have never seen such a statement in a general plan. That is because providing guarantees for the property owner is completely inappropriate for a general plan and should be deleted.	The comment expresses concern regarding language used in General Plan 2040 Policy NH-3.24. The comment does not address the Draft EIR. Please see Response ORG4-23 which addresses General Plan 2040 Policy NH-3.24 and edits made to the policy in response to this comment.
ORG7-4	Regarding the remainder of the policy, any development should protect the site's resources (not just "be responsive to"), and development should be confined to the existing higher elevation areas. A word of caution about the biological assessment and jurisdictional delineation called for in the program. Rainwater has been pumped from the site by the city for at least the past 20 years under threat of legal action by the property owner. This removal of water may have affected the condition of the wetlands on the site. So to rely on a jurisdictional delineation prepared by the applicant's consultant would not necessarily reflect the condition of the site under normal circumstances, i.e. if artificial removal of the water did not occur. There is no shortage of environmental consultants who can promise anything.	The comment expresses concern regarding language used in General Plan 2040 Policy NH-3.24 as well as wetland conditions on the Canalways site. The comment does not address the Draft EIR. Please see Response ORG4-23 which addresses General Plan 2040 Policy NH-3.24. Please see Responses ORG4-18 through ORG4-29 for additional information regarding wetlands in the EIR Study Area.
ORG7-5	Further the invasive plants that have proliferated on the property are the direct result of neglect by the property owners. Neglect and removal of water, are among the approaches taken by property owners in efforts to avoid a property being delineated as a wetland.	The comment expresses concern regarding neglect of wetlands. The comment does not address the Draft EIR. Please see Responses ORG4-18 through ORG4-29 for information regarding wetlands in the EIR Study Area.
ORG7-6	We support the protection of the low area of Canalways for its ecological importance, retention of the Wetlands Overlay Zone and conservation designation. We support policies in the current general plan that all development, whether industrial or housing be confined to the higher elevation lands along the west side of the property only. The Canalways levee has indeed deteriorated and will be the last degraded low area along the waterfront after completion of Marin	The comment expresses support for protecting the low areas of the Canalways site through the retention of the Wetlands Overlay Zone and Conservation designation. The comment does not address the Draft EIR. Please see Response ORG4-20 which addresses General Plan 2040 Program C1-1A regarding the proposed Wetlands Overlay District. Please see Responses ORG4-18 through ORG4-29 for additional information regarding

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	Audubon's Tiscornia Marsh Project.	wetlands in the EIR Study Area.
ORG7-7	Regarding the extension of Kerner, in the past, the city was not supportive of extending this road. To do so would require filling wetlands, unless the connection were a bridge.	The comment makes a statement regarding the extension of Kerner Boulevard. The General Plan has been edited to address this comment. The comment does not address the adequacy of the Draft EIR.
ORG7-8	Wetland Preservation Policy C-1-1 : We support protection of the city's wetlands and the city should have the first regulatory review. The discussion of the regulatory processes is confusing. It sounds like the city will rely on federal, state and regional agencies instead of their own regulatory powers. The processes of wetland regulation is more effective if the local jurisdictions implement their own ordinances first. Clear policies send a clear message to project proponents. Regulation by state and federal agencies is required and actually does not need to be mentioned in policies.	The comment expresses concern regarding the protection of wetlands under General Plan 2040 Policy C1-1. The comment does not address the Draft EIR. Please see Response ORG4-18 for information regarding General Plan 2040 Policy C1-1.
ORG7-9	Program C-1.1A: Agencies have different wetland definitions than that of the Corps of Engineers. This should be broadened to ensure the wetland definitions of thee state (RWQCD and BCDC) and federal (ACOE) agencies are considered.	Program C-1.1A: Wetland Overlay District specifically refers to wetland delineations prepared in accordance with the methodology used by the USACE. This approach is consistent with the existing practices used by the City in reviewing applications with potential regulated waters. Please see Responses ORG4-20 and ORG4-30 for a discussion of these issues of concern.
ORG7-10	ProgramC-1.1B: We strongly support this policy which supports our Tiscornia Marsh restoration and Sea Level Rise Adaption project on Marin Audubon and city property along the shoreline.	The comment expresses support for General Plan 2040 Program C-1.1B. The comment does not address the adequacy of the Draft EIR.
ORG7-11	Program C-1.3 Wetland Protection and Mitigation: This policy offers unacceptable exceptions to protecting wetlands, particularly the exception if the protection is not "practical." This is a very easy standard to meet - it just needs to be undesirable and/or not of interest to the project proponent. If offers an easy out, is far too broad and it does not comply with the intent of the policy.	The comment expresses concern regarding the protection and mitigation of wetlands under General Plan 2040 Policy C-1.3 which is a policy that has been carried forward from General Plan 2020. The comment does not address the Draft EIR. Please see Responses ORG4-26 through ORG4-28 for information regarding General Plan 2040 Policy C-1.3 and other mitigation programs.
ORG7-12	Program C-1.3B Conditions for Mitigation Waivers. This waiver is for wetlands that are less than 0.1 acre in size. The waiver is contrary to the state's wetland policy, which calls for no net loss of wetlands. It would exempt fill projects from mitigation if: 1) The wetland is isolated. This fails to consider the isolated wetlands can be near other wetlands forming a wetland complex and that even isolated wetland have local value, i.e. to improve water quality, habitat, particularly during migration of movement between larger habitats. 2) Wetland experts demonstrate that preservation would not result in a functioning wetland. Often this means that the development would cut-off water supply, which could be avoided by project redesign. As noted above, "wetland experts" can be found to say almost anything. 3) The city finds the filling more desirable. This is an arbitrary condition that defies the intent of the policy. 4) The applicants have received all required permits. Regulatory agency permits are a necessary step for all wetland fill projects to go forward. It need not be said. However, some agencies, most notably BCDC, require that local permits be obtained first.	The comment expresses concern regarding mitigation of wetlands under General Plan 2040 Policy C-1.3B, which is current City Policy and carried forward from General Plan 2020. The comment does not address the Draft EIR. Please see Responses ORG4-26 through ORG4-28 for information regarding General Plan 2040 Policy C-1.3 and other mitigation programs.
ORG7-13	Program C-1.3C Revision of Mitigation and Waiver Requirements. Much of this program seems fine, however bringing "other bay area jurisdictions" into the program opens the door for extensive conflict among policies of the many jurisdiction around the Bay. There is no reason to cast such a broad net. End the sentence at federal agencies.	The comment expresses concern regarding mitigation and waiver requirements of wetlands under General Plan 2040 Program C-1.3C. The comment does not address the Draft EIR. Please see Response ORG4-28 for information regarding General Plan 2040 Program C-1.3C, including the removal of the reference to other Bay Area jurisdictions.
ORG7-14	Program C-1.4C Mitigation Banking: Marin Audubon opposes mitigation banks because they offer an easy out for filling wetlands and the service area is usually far too large.	The comment expresses opposition to General Plan Program C-1.4C, Mitigation Banking, which was developed by the General Plan 2040 Steering Committee. The comment does not address the adequacy of the Draft EIR.
ORG7-15	Policy C-1.5 Wetland Setback: Our comment on this policy relates to the exception "if it can be demonstrated that the proposed setback protects the functions of the wetlands to the maximum extent feasible." See comments above related to	The comment expresses concern regarding language in General Plan 2040 Policy C-1.5, which carries forward the setback waiver from currently adopted General Plan 2020. The comment does not address the adequacy of

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	experts.	the Draft EIR. Please see Response ORG4-29 for information regarding General Plan 2040 Policy C-1.5.
ORG7-16	Policy C-1.12 Native or Sensitive Habitat: This policy should specifically call out protecting native trees. If the city wants to protect more tree species than natives, at least the non-native trees protected should be non-invasive. Species such as eucalyptus and acacias are particularly problematic because they increase fire danger in addition to providing minimal habitat.	The comment expresses concern regarding language in General Plan 2040 Policy C-1.12, specifically related to native trees. The comment does not address the adequacy of the Draft EIR. Please see Responses ORG4-5 through ORG4-7, ORG4-9 through ORG4-11, ORG4-32, and ORG4-34 through ORG4-35 for information regarding native trees.
ORG7-17	Protecting native species should be included in policies and programs throughout this habitat section. Program C-1.16A, Program C-1.17A Program C-1.16A a), e) and g) and Program C-1.16A are all places where the preference for native trees should be included.	The comment expresses concern regarding the lack of language in General Plan 2040 policies and programs related to native trees. The comment does not address the adequacy of the Draft EIR. Please see Responses ORG4-5 through ORG4-7, ORG4-9 through ORG4-11, ORG4-32, and ORG4-34 through ORG4-35 for information regarding native trees.
ORG7-18	Special Status Wildlife - Marin Northern Spotted Owls typically nest on the tops of tall trees. No one is building platforms for the owls.	The comment states a fact that the Northern Spotted Owl typically nests on the tops of tall trees. The comment does not address the adequacy of the Draft EIR. Please see Responses ORG4-12 through ORG4-14 and ORG4-31 for information on General Plan 2040 policies and programs related to the protection of special status species and wildlife.
ORG7-19	Program C.1-13A: The CA Natural Diversity Data Base digital maps. The CNDDDB is generally recognized as not being current. In the case of development that could potentially impact special status species, data from additional sources should be provided.	The comment expresses concern regarding data availability constraints towards General Plan 2040 Program C-1.13A, which has been revised to note that data from additional sources should be maintained where available. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary. Please see Responses ORG4-12 through ORG4-14 for information on General Plan 2040 policies and programs related to the protection of special status species and wildlife, including General Plan 2040 Program C-1.13A.
ORG7-20	In addition to policies/programs favoring actions to maintain dark sky policy, a policy required bird-friendly glass, to avoid or reduce impacts to bird populations from collision with glass windows and doors, should be included. Bird collisions occur when birds cannot distinguish the glass, see the reflection of vegetation and, therefore, perceive that the reflect as habitat, and fly through the glass. There is special bird-friendly glass that can and should be used in development that are in and near vegetated habitat.	The comment expresses concern regarding bird-safe design guidelines. Please see Response ORG4-14 regarding bird-safe design guidelines and the avoidance of bird collisions.
C. Members of the Public		
PUB1	Liza Wozniak	
PUB1-1	I was greatly disappointed to see that the Historic Resources section of the Downtown Precise Plan (DTPP) omitted any mention of the 1929 Northwestern Pacific Railroad Depot (the "Whistlestop building", adjacent to the SMART train!) downtown. This building is a landmark at the entrance of San Rafael which could be re-visioned for public use now that Whistlestop is relocating to 3rd and Lincoln. It could serve arriving rail and bus passengers as a marketplace, providing information, refreshments and a gateway to downtown retail on 4th Street. Increased pedestrian traffic in this area would help existing businesses on 4th St. and increase the safety and comfort of the neighborhood for both transit passengers and residents. It is negligent for the DTPP to ignore this area. The Depot structure is instantly recognizable; it radiates the greatness of the railroad era that built San Rafael into the city it is today. The draft DTPP focuses on residential structures and sub-districts, while neglecting to address the treasures downtown! Please reassess and complete your inventory. The Depot building would be eligible for inclusion on the National Register of Historic Places under criterion A, C, or D (see below). Please reconsider and include the Depot as an historic structure and envision it as a foundation for a downtown historic district.	The comment does not address the adequacy of the Draft EIR, but rather the conclusion of an architectural survey. This building has been evaluated by multiple architectural historians who have found it ineligible for state or federal listing.
PUB1-2	NRHP Criteria applicable to the 1929 Depot: - Criterion A, "Event", the property must make a contribution to the major pattern of American history - Criterion C, "Design/Construction", concerns the distinctive characteristics of the building by its architecture and construction, including having great artistic value or being the work of a master. - Criterion D, "Information potential", is satisfied if the property has yielded or may be likely to yield information important	The comment does not address the adequacy of the Draft EIR, but rather the conclusion of an architectural survey. This building has been evaluated by multiple architectural historians who have found it ineligible for state or federal listing.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	to history.	
PUB2	Michael Smith	
PUB2-1	As a forth generation San Rafael resident and businessperson and former planning commissioner of San Rafael, I am writing to appeal the historic eligibility as a contributor for the building I own at 1504-1522 Fourth Street, San Rafael CA. I do not believe there are significant architectural features that would cause it to qualify.	The comment provides an introduction to the comments that follow. Please see Responses PUB2-2 through PUB2-5.
PUB2-2	<p>There is some background to these buildings that may not be readily apparent from the public record or an evaluation focused solely on a cursory review of the exterior and should inform the report. 1502-1528 4th Street is in fact three separate buildings built on separate dates. The buildings are legally on two APN's that have functionally and physically merged over time. Each of these building have their ground floors at different elevations, matching the slope of the street. APN 011-202-11 contains one building with three addresses 1255,1520,1518 4th Street. Its original purpose was primarily industrial, serving as an automotive repair garage for most of its early history. The facade has been completely remodeled and modernized (with permits) and dates to the early 2000's. The Historic designation correctly identified this as a class "E" building.</p> <p>APN comprises 011-202-14 contains two separate, independently constructed buildings. 1512 4th Street is the middle building and is the main address currently occupied by Bordenave's Bakery. This is also an industrial building that contains no outward architectural details that would lend itself to any historic designation. Although, it shares a single APN number with its neighbor at 1504 Fourth Street / 1009 E Street, this building should clearly be bifurcated for purposes of the historic evaluation. It is currently lumped in with the corner building on various maps and in the evaluation.</p> <p>The corner building at 1504 Fourth Street / 1009 E Street currently houses two tenants with a traditional retail use on the corner while the other space is an industrial use utilized as a telecoms switching station. Although the building has an attractive frieze along the upper section with ornamental lions at the entrance, there is nothing notable about this square building with a flat roof, with no other structural articulation or ornamentation. It was modified (with permits) as the original transom windows have been filled in and the current tile at the ground level is new.</p>	The comment does not address the adequacy of the Draft EIR but rather the findings of an architectural survey. The Downtown Precise Plan has been edited to note that the site includes three buildings and to identify the corner building as needing further evaluation.
PUB2-3	All three buildings are outdated and functionally obsolete. The rear tenant spaces lack any useable natural light with no windows, no visibility as they are too far from the street window line, and with varying floor levels they do not match any modern tenant demand. They are clearly not aligned with current market taste or standards. Its historic designation is not warranted and should be downgraded to facilitate their modernization and reuse, otherwise it would in fact limit the very upgrading that the City is emphasizing for the Downtown San Rafael.	The comment provides an opinion regarding the building mentioned in comment ORG2-2. The comment does not address the adequacy of the Draft EIR, and no further comment is required.
PUB2-4	There are errors in the DPR form that should be correct and thereby remove some criteria used in the building's historic determination. One the final page of the evaluation it states " Its continued use as a residence allows it to retain integrity of association." The building contains no residential use whatsoever and is in fact occupied by commercial uses. The original use was automotive from inception. The historical automotive identity is no longer associated with the building in any fashion and these historic industrial uses are not appropriate (or allowed) for this area of downtown San Rafael. In addition, the DPR for this building depicts the incorrect site on the map on the 2nd page and should be corrected.	The comment does not address the adequacy of the Draft EIR. This building is recommended for further evaluation.
PUB2-5	I would also like to point out that the site presents an ideal opportunity for redevelopment as a mixed use project with the majority being residential with some ground floor retail. Its designation as a contributing resource will clearly inhibit potential redevelopment. As repeatedly stated in the Precise Plan and the General Plan 2040, the City should be prioritizing this size for adaption into residential uses. There is only one other owner besides myself that own all five parcels between E Street and the parking lot at 1532 4th street (next to Guide Dogs of Blind). It would take only two parties to agree to re-develop and combine these into one 63,000+ feet parcel comprising almost 1.45 acres. It is one of, if not <u>the</u> largest prime site downtown other than 1001 Fourth Street with this much potential. I suggest the City consider more carefully before limited such a potential project before it can even be started.	The comment does not address the adequacy of the Draft EIR. This building is recommended for further evaluation.
PUB3	Leslie Simons	

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB3-1	As stated in the Chapter 5 communication, what is Appendix V mentioned on pages 106 and 110. This title does not show up on the documents that I can find. As stated several times before, many of the same general issues mentioned in my February 24th communication continue. This includes various abbreviations, spaces and capitalization questions; some are highlighted in the attached PDF.	The comment does not address the adequacy of the Draft EIR. This comment provides editorial comments on the Downtown San Rafael Precise Plan Historic Resources Inventory Summary Report dated December 2020, which was included in Appendix F, Cultural Resources Data, of the Draft EIR. This report has been revised to respond to these comments. The revised report is posted on the City's General Plan website at: https://www.cityofsanrafael.org . No further response is required.
PUB3-2	Again, greater detail will be addressed in a separate letter regarding major concerns that arise throughout the documents. They are identified below with item numbers to keep this list as short as possible. As clarified at last Monday's meeting, at this time I am concentrating on the DTPP Chapter 5 and the Historic Resources Appendix (?). I assume where appropriate the information will be transferred to the DEIR Appendix F.	Please see Response PUB3-1
PUB3-3	(Page 1) Chapter 5 of the DTPP is "Historic Resources Inventory Summary Report"- there is no reference to an Appendix #. As there are several Chapter 5s relating to this project with cross references to and fro, it makes all very difficult to follow.	Please see Response PUB3-1
PUB3-4	(Page 1)Table of Contents: Again, the ability to move to chapters electronically would be very beneficial. The "Fact Sheets" should be "5-1". At this point I cannot tell, are the titles are accurate? Are Appendix B and C something SRH could review?	Please see Response PUB3-1
PUB3-5	(Page 7) 1st PP: There is that date again, this first reference should be "January 1978". All references should be "1978" or "1978/86". At least here the 1986 version is clarified as "administratively updated", 1986 should not be used as the "publication" date ever; but is often repeated later in the text.	Please see Response PUB3-1
PUB3-6	(Page 7) It was the "asistencia" that was founded in 1817; saying the mission was founded is incorrect. This will be explained later in the text - let them wonder ...	Please see Response PUB3-1
PUB3-7	(Page 10) Reference to "Chapter 5 <u>of this Appendix</u> to make clear where those "Fact Sheets" do appear and is it "Appendix A or V or WHAT?"	Please see Response PUB3-1
PUB3-8	(Page 11) Figure 1-1, page 1-5: An issue relating to all maps; see Item 1 in Major Concerns letter to follow.	Please see Response PUB3-1
PUB3-9	(Page 12) Figure 1-2, page 1-6: Boundary of the "Area not surveyed" around Latham Street – The color should either end at the back parcel line west of F, or go further to include 3 (11) G to Ida.	Please see Response PUB3-1
PUB3-10	(Page 13) 1st PP: "several centuries,"? Two hundred + 4 years - a bit of an exaggeration	Please see Response PUB3-1
PUB3-11	(Page 13) 2nd PP: Would like the sentence rewritten so the order is correct. "... 1817, <u>Asistencia San Rafael Arcángel was founded in the Spanish colonial province of Alta California and gained full mission status as the 20th of 21 Franciscan missions in 1822</u> "	Please see Response PUB3-1
PUB3-12	(Page 13) Could the Hotel Rafael really be called "modest"?	Please see Response PUB3-1
PUB3-13	(Page 13) Footnote 1: They are too complicated. See item 2 in "Major Concerns" dated March 7, 2021	Please see Response PUB3-1
PUB3-14	(Page 13) Footnote 4: The Albert Building was built in 1920, how does that relate to the paragraph and 1937?	Please see Response PUB3-1
PUB3-15	(Page 14) 2nd PP: "... became, in turn, a railroad depot suburb, a regional ..."	Please see Response PUB3-1
PUB3-16	(Page 14) 4th PP: Another requirement of a mission settlement was a good supply of native (slav	Please see Response PUB3-1
PUB3-17	(Page 14) 5th PP: The Miwok people had lost their hunter/gatherer life style and the land to wander. They had been in the servitude of the the church and their land cut into rancheros	Please see Response PUB3-1
PUB3-18	(Page 14) "reconstruction" only applies to the 1949 structure. The 1919 Church of St. Raphael is a replacement when the c.1860 Gothic church burned. Because of that fire, the Spanish Colonial was built to be fire proof; it is not a reconstruction. The wording of this PP could be improved	Please see Response PUB3-1
PUB3-19	(Page 15) Photo text: Regarding the Coleman Residence, add " <u>at the upper right</u> "	Please see Response PUB3-1
PUB3-20	(Page 15) 2nd PP: San Rafael and San Quentin Railroad was incorporated in 1869 and began operation in 1870	Please see Response PUB3-1
PUB3-21	(Page 15) Footnote 16: shouldn't it read "Marin: A History, Barry Spitz ..."?	Please see Response PUB3-1
PUB3-22	(Page 16) 2nd PP: "The incorporation of the North Pacific Coast (NPC) followed ..." the date should relate to when it began operating	Please see Response PUB3-1
PUB3-23	(Page 17) 3rd PP: "... stucco, but circa 1980, <u>after a fire destroyed the top floor</u> , the stucco was removed and the second story was rebuilt to include more ornate detailing.	Please see Response PUB3-1
PUB3-24	(Page 18) Photo text: The Mahon House is believed to have been built 1879 or 1880 so the photo date is troubling. The	Please see Response PUB3-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	original building, located behind and a bit separate from the mansard structure, is likely connected via a hallway	
PUB3-25	(Page 18) Top PP: This PP has several inaccuracies- Albert’s began in San Rafael, the department store was not “attracted” to the town. He apparently (according to ESR) moved around to different rental spaces. The image on ESR,65 is in the space currently occupied by Lundy’s. Whether he started in that space in 1895 or elsewhere is confusing. In the 1898 photo the space is occupied by “The Oyster Depot”. Either the date on the photo is in question or he returned to the same space later. A 1917 article in the Marin Journal (I think) stated that Albert’s shop was kitty corner (SE) to the Aileen Apartments (NW). The retail space at 1216 4th Street, currently occupied by Scandinavian Designs, was built specifically for Albert by Herzog & Rake.	Please see Response PUB3-1
PUB3-26	(Page 18) Footnote 26: (rewrite) The information is inaccurate. References to “The Wonder” can be found on ESR,65 where it states it was “next to the southeast corner of 4th and B.” ESR,67 shows the McDermott Building with an awning that matches that on ESR,65. The SW corner was a bank building with no commercial/retail openings (see page 28 [2-16]); finally “The building stood as the first of what would become a chain of stores across the county (and in Richmond), later known as Albert’s Emporium. ERS,59”. This page reference relates very little to the text.	Please see Response PUB3-1
PUB3-27	(Page 18) typo: 1850s Footnote 28: should read “A Field Guide to American Houses, Virginia Lee McAlester (McAlester), (Alfred A. Knopf, New York, 2013), 282-302. There on just “McAlester, #” Footnote 31: use shortened abbreviation “HRI” suggested on page 17	Please see Response PUB3-1
PUB3-28	(Page 20) Top line: why is “Landmark” capitalized? This should read “local landmark”; the “crown” (not an appropriate reference) has also been lost and this information could be added to the text; and remove “at the first story” as storefronts are always on the ground floor	Please see Response PUB3-1
PUB3-29	(Page 20) Photo text: “... or hotel rooms on the second <u>upper</u> floors” The mansard roof form was created to hide living area for tax purposes in Paris	Please see Response PUB3-1
PUB3-30	(Page 20) Footnote 33 & 36: Shorten to “McAlester, 242” Footnote 35: “HRI”	Please see Response PUB3-1
PUB3-31	(Page 20) Photo text: It might be good to add the information that the upper floor was built as offices	Please see Response PUB3-1
PUB3-32	(Page 20) 2nd PP: Coleman House is most likely not the oldest; during a search of newspaper articles several years ago I discovered that Skidmore purchased the property in a tax sale in 1851 or 1852 and subsequently built the original structure. This clarified (at least for me) that that “Maple Lawn” (1849), the Elks Lodge, is first still extant.	Please see Response PUB3-1
PUB3-33	(Page 23) 1st PP: could add “... School opened on E Street, marking the ...”	Please see Response PUB3-1
PUB3-34	(Page 23) 2nd PP: “... religious institutions began to take shape where the Mission San Rafael Arcángel once stood.” Does that make sense? They took shape in many places, more often on or in the vicinity of E Street	Please see Response PUB3-1
PUB3-35	(Page 23) Photo text: “Church of St. Raphael and school house at on Fifth Avenue and at A Street”	Please see Response PUB3-1
PUB3-36	(Page 24) Photo text 1: “... High School at <u>on</u> E Street ...”	Please see Response PUB3-1
PUB3-37	(Page 24) 1st PP: A bit oblique > 1859 is not very “late 19th century”. The Parisian at A & 4th (1872) or The Albion House (1885) could be used instead	Please see Response PUB3-1
PUB3-38	(Page 24) Photo text 2: “The San <u>Hotel</u> Rafael Hotel”; “... near Dominican University <u>Convent and College</u> ”. Don’t know the name of the hotel company and do not know why it is important	Please see Response PUB3-1
PUB3-39	(Page 25) 1st PP: “... community gatherings and <u>school graduations</u> ”	Please see Response PUB3-1
PUB3-35	(Page 25) 2nd PP: The reference to Robert Dollar is marginal. It may have come from the landmark application for the NWP Depot where he was included because his office building on California Street was also designed by F.H. Meyer. Many others could relate to this migration of wealthy men to town including W.T. Coleman, J.M. Donahue (the younger), S.V. Smith (an attorney who was known as the first to regularly commute to work in the city) and A.W. Foster.	Please see Response PUB3-1
PUB3-36	(Page 25) “... now the West End ...etc” I don’t follow the logic of several sentences in this PP	Please see Response PUB3-1
PUB3-37	(Page 25) 5th PP: Passenger service was not “relocated”, they were in competition with Sausalito winning the war due to the electrics. This is a very misleading PP	Please see Response PUB3-1
PUB3-38	(Page 25) Footnote 48: does not have related information on ESR,37	Please see Response PUB3-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB3-39	(Page 26) 1st PP: (This is the quote from ESR,37). The entire PP seems disjointed. The route of the “highway” is weird although I do not have direct knowledge however, it should be amended “... leaving San Rafael via <u>Petaluma Blvd (Lincoln Ave).</u> ”	Please see Response PUB3-1
PUB3-40	(Page 26) “In 1915 the San Rafael-Richmond Ferry was constructed in operation, offering <u>carrying automobiles to and from San Rafael and Richmond.</u> ”	Please see Response PUB3-1
PUB3-41	(Page 26) “In 1915 the railroad was still running, necessitating a new Northwestern Pacific Railroad Station”. The first (1884) station and the new (1929) station; how does that relate to 1915?	Please see Response PUB3-1
PUB3-42	(Page 26) 3rd PP: “The last electric commuter train departed San Rafael for Sausalito in 1941, the same...”	Please see Response PUB3-1
PUB3-43	(Page 26) Footnote 49: The author usually comes after the title	Please see Response PUB3-1
PUB3-44	(Page 26) Footnote 50: As this is the first reference add “...-2000 (MSR), (Acacia ...” then use regularly after	Please see Response PUB3-1
PUB3-45	(Page 27) 1st PP: Where does the date “1890 railroad shed” come from? ESR,40 states the building was completed May 1, 1884	Please see Response PUB3-1
PUB3-46	Photo text: the address of the NWP B Street Station is 728 . 720 is for the newer apartments behind	Please see Response PUB3-1
PUB3-47	2nd PP: See Item 3 in “Major Concerns” March 7, 2021 - suggest to modify “... which was built <u>as the Victrola Pavilion</u> for at the 1915 ... across the bay from San Francisco <u>to the foot of Shaver Street</u> . The building <u>first registered improvement club in California, they instigated many programs including street tree planting,</u> became the staging area for mosquito eradication and other civic improvement projects.”	Please see Response PUB3-1
PUB3-48	Picture of courthouse is kind of flat, much less interesting than that shown on ESR,48	Please see Response PUB3-1
PUB3-49	Since the Library is mentioned on page 27 (2-15) the library and courthouse images could be reversed. That the land for the library was donated by several families could be mentioned.	Please see Response PUB3-1
PUB3-50	(Page 27) The E Street Elementary School was constructed on the site of the first San Rafael High School at the northwest corner of Second Third and E Streets.” (It still stands today)	Please see Response PUB3-1
PUB3-51	(Page 27) Photo text: 1 “Postcard of San Rafael looking west <u>east</u> ...”	Please see Response PUB3-1
PUB3-52	(Page 27) Photo text: Lootens Plaza <u>Place</u> , 1944. The photo date must be inaccurate. Albert’s was built in 1942, so it should appear in the picture just to the west of the El Camino.	Please see Response PUB3-1
PUB3-53	(Page 27) Picture of courthouse is kind of flat, much less interesting than that shown on ESR,48	Please see Response PUB3-1
PUB3-54	(Page 28) Since the Library is mentioned on page 27 (2-15) the library and courthouse images could be reversed. That the land for the library was donated by several families could be mentioned.	Please see Response PUB3-1
PUB3-55	(Page 28) The E Street <u>Elementary</u> School was constructed <u>on the site of the first San Rafael High School</u> at the northwest corner of Second <u>Third</u> and E Streets.” (It still stands today)	Please see Response PUB3-1
PUB3-56	(Page 28) Photo text: 1 “Postcard of San Rafael looking west <u>east</u> ...”	Please see Response PUB3-1
PUB3-57	(Page 30) Photo text: Lootens Plaza <u>Place</u> , 1944. The photo date must be inaccurate. Albert’s was built in 1942, so it should appear in the picture just to the west of the El Camino.	Please see Response PUB3-1
PUB3-58	(Page 30) Heading: “Spanish Colonial Revival/ <u>Mission Revival (Mission Revival)</u> and later in the PP Just keep the Mission Revival as the style; don’t add “Mediterranean” to the mix. A comment relating to the joining of these very similar styles will be covered when looking past page 42. (under separate cover)	Please see Response PUB3-1
PUB3-59	(Page 30) 2nd PP: Addressing will be discussed in detail in the “Major Concerns” letter dated March 7th Item 6. The Aileen Apartments should primarily be 1009 B St/ 1200-1216 4th; the Central Hotel is 1226 4th. (ESR,26 refers to the building as “Hotel Marin”; I will try to confirm which is correct with MHM). “Known also as the Aileen Apartments” shows just how damaging using the commercial storefront addresses are; B St is secondary. The 4th street frontage is BELOW the building of that name.	Please see Response PUB3-1
PUB3-60	(Page 30) 3rd PP: “... building at 1447 4th Street. <u>Designed by Frederick H Meyer it is the only building to survive the devastating fire that took out both sides of Fourth Street. Meyer’s expertise in the field of fire suppression, lessons learned from the 1906 earthquake, is likely the reason for its survival.</u> ”	Please see Response PUB3-1
PUB3-61	(Page 31) Photo text: “... is the Church of St. <u>Raphael</u> . <u>Mission San Rafael Arcángel</u> The buildings standing today were as it	Please see Response PUB3-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	stands today is a reproduction designed ...” “	
PUB3-62	It might be nice to add something like <u>This was the only missing link in the string of 21 Franciscan Alta California missions having been demolished for its hand-hewn beams in 1861.</u>	Please see Response PUB3-1
PUB3-63	Clarification: The 1978 DPR suggests the current church is the 4th to stand on the original mission site; it is actually the 3rd. While the adobe structure melted, a small chapel was built behind (a bit west of) the “Mission mud heap”. There are pictures of that chapel after the mission was gone but it did not stand on the mission building site (1. the Mission (1821); 2. the wooden Gothic (1860); 3. the stucco SCR (1919)	Please see Response PUB3-1
PUB3-64	(Page 31) 1st PP: Regarding the Albert Building. “... as a skyscraper in Marin County. The building housed what was to be a chain of small goods stores, and was outfitted with modern conveniences of the time, including a <u>manned</u> elevator.” Comment: Albert may have used the storefronts on 4th for mercantile but the building’s primary use, along with its annex, was always office related. The chain was a fairly large enterprise with several branches including in Richmond. The elevator was manned until the operator retired, I believe in the early 1970s when it was automated. Not sure it is the same elevator	Please see Response PUB3-1
PUB3-65	(Page 32) Photo text: Most pictures have commentary and photo credits.	Please see Response PUB3-1
PUB3-66	(Page 32) “Theatres”: This whole item seems fractured. The CMPC wasn’t the impetus for the public’s fascination with moving pictures. This seems to suggest that, if the studio hadn’t been built in Sun Valley, the public would not have cared to attend motion pictures.	Please see Response PUB3-1
PUB3-67	(Page 32) 1st PP: “... Corporation brought its studio ...”??? “... and with it a growing movie-going culture.” “... first building constructed specifically to show movies, specifically (silent) movies.”	Please see Response PUB3-1
PUB3-68	(Page 32)Additional Commentary: Perhaps some info about the advent of sloping floors or other elements that make a “movie theatre” different from a converted storefront. Even Gordon’s Opera House (used for a time as a movie house) lacked the slope that later became the norm.	Please see Response PUB3-1
PUB3-69	(Page 32)The El Camino’s first blow was its old sound system. The Rafael became the lead movie house in the county as it was the only theatre with a sound system capable of showing “Gone with the Wind”.	Please see Response PUB3-1
PUB3-70	(Page 32) One of the most interesting things about the CMPC is that it was one of only two “natural light” movie studios outside of Hollywood, the other being in Fremont/Niles Canyon, Charlie Chaplin’s main studio; he did make one movie at CMPC.	Please see Response PUB3-1
PUB3-71	(Page 32) Like this quote from ESR,114: “CMPC was formed in 1912. The company chose San Rafael for their location because of the perfect weather and scenic beauty. The studio buildings were constructed in Sun Valley with a background of grassy hills.”	Please see Response PUB3-1
PUB3-72	(Page 34) 3rd PP: “Other notable examples ...” should be integrated into the 2nd PP after ““... expansion at this time.” “Ferry strikes ...” should start 3rd PP and continue with “Rapid construction ...”	Please see Response PUB3-1
PUB3-73	(Page 34) Last PP: The El Camino was not razed, it has been refaced (again). Look up, to see some remaining detail on the higher setback building	Please see Response PUB3-1
PUB3-74	(Page 35) Top image: Albert’s (later Macy’s) was built in 1942 but is not in this image. Question the photo date	Please see Response PUB3-1
PUB3-75	(Page 36) 1st PP: “... destroyed the buildings on <u>both sides of the block</u> ...” The PG&E headquarters survived which could be mentioned again here- See Page 30 above for additional comments on 1447 4th.	Please see Response PUB3-1
PUB3-76	(Page 36) 2nd PP: “On the site where “The Wonder” once stood, the Wells Fargo Bank at 1203 Fourth was constructed in 1964.” Not true - PP needs to be reworked. See note on page 18, Footnote 26. The 1964 façade should be credited to Crocker Bank; part of the older building remains in the “private” banking area at the back. I remember walking by on my way home from SRHS, seeing that the building was not totally gone.	Please see Response PUB3-1
PUB3-77	(Page 37) The “Village” opened in 1985. The “Corte Madera Center” opened in 1958 and was remodeled and renamed the “Corte Madera Town Center” in 1985. The remodel w as a result of the competition that developed across 101.	Please see Response PUB3-1
PUB3-78	(Page 37) Heading: “Downtown Economic Decline and the ...” Suggest adding a second heading one PP down “ <u>Formation of the San Rafael Redevelopment Agency (RDA)</u>	Please see Response PUB3-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB3-79	(Page 38) 1st PP: "(... the San Rafael Corporate Center, BioMarin Center/BioMarin campus ..."	Please see Response PUB3-1
PUB3-80	(Page 38) 2nd2 PP: "(see below)." Revise: "(<u>Illustrations follow</u>)."	Please see Response PUB3-1
PUB3-81	(Page 40) Some of the text on page 41 could be brought up onto the empty space on page 40	Please see Response PUB3-1
PUB3-82	(Page 41) "Pharmecuitcal" spelling?	Please see Response PUB3-1
PUB3-83	(Page 41) If text moves up to page 40, remove the picture on page 42 and complete the info on page 41. There are so many pictures of that building, this one would not be missed.	Please see Response PUB3-1
PUB3-84	(Page 42) With all the material to read, I had a problem concentrating on the remaining pages of the Appendix. The districts, many lists that follow and the disorganized Fact Sheets were too much while trying to edit all the rest. Now I will attempt to wrangle some order to the rest of the Appendix (?).	Please see Response PUB3-1
PUB4	Leslie Simons	
PUB4-1	The object of this letter is an attempt to clear up several major elements that appear throughout the project documents. Mentioned in the text is "Appendix V"; where is this? Is this the Context Statement with the Fact Sheets? If so there is no reference in the title, title sheets or table of contents. The Appendix needs to be clearly noted and named	The comment does not address the adequacy of the Draft EIR. This comment provides editorial comments on the Downtown San Rafael Precise Plan Historic Resources Inventory Summary Report dated December 2020, which was included in Appendix F, Cultural Resources Data, of the Draft EIR. This report has been revised to respond to these comments. The revised report is posted on the City's General Plan website at: https://www.cityofsanrafael.org . No further response is required.
PUB4-2	The major items are listed in the order they appear in the Context letter, dated March 6, 2021. This is in the order of appearance and does not make any more or less important:	Please see Response PUB4-1
PUB4-3	Maps and Figures: This relates to all maps in the project documentation but in particular in the appendix up to page 42 (2-30); the remaining Figures will be covered in a continuation letter starting on page 43 (2-31).	Please see Response PUB4-1
PUB4-4	For an illustration see Figure 1-1 on Page 11 (1-5). The major issue with all maps is that the street names are too large, too long and rather fuzzy; a sharper font would be helpful. It is not necessary to include "Street" or "Avenue"; A, B, C, 1st, 2nd and 3rd should suffice; the reader would understand the shortened references.	Please see Response PUB4-1
PUB4-5	Where possible the labels could be placed outside of the Plan Area boundary. Lincoln, Lindaro, Grand, Irwin, Mission, B, C, D, G, H and 1st could all be moved out to clear the subject area. This would leave only A, E, F 2nd, 3rd, 4th and 5th within the DTPP boundary.	Please see Response PUB4-1
PUB4-6	It is not imperative that they line up vertically or horizontally or that the lettered street names are turned 90 degrees; just keep them in a location where they least affect all uses of this map. Note that "Hetherton" is on Tamalpais which is nameless.	Please see Response PUB4-1
PUB4-7	Suggest including other streets for reference, such as San Pedro, Anderson and Forbes. Even if they do not relate to the area of discussion, it helps orient the viewer.	Please see Response PUB4-1
PUB4-8	Latham Street District Boundary: Figure 1-2, Page 12 (1-6): The blue should either end at Ida or stop at the parcel line west of F. Now it includes the east side of G leaving the building at 11 (formerly 3) G Street within the survey area; noted as not being within it on the spreadsheet.	Please see Response PUB4-1
PUB4-9	Footnotes: They are too complicated. Typically they are listed "Title (abbreviation), Author, Publisher, Page #". In several cases on these documents they list "author" first and/or other variations. In some instances it might be better to use the author's name for the abbreviation; V. McAlester is highly recognizable as the author of a very informational book	Please see Response PUB4-1
PUB4-10	Many page numbers are missing and when shown are often questionable. Page 18 (2-6) refers to Albert's but relates minimally to the footnote text. Who will cross check this?	Please see Response PUB4-1
PUB4-11	The "Images of America" series covers at least a dozen towns in Marin County and hundreds across the country. The first reference in each chapter should have a full title and include an abbreviation. Page 13 (2-1) of the Context Statement, Footnote 1 should read "Images of America, Early San Rafael (ESR), Marin History Museum, (Acacia Publishing, Charleston, South Carolina, 2008) page #". Later on page 26 (2-14) when adding "Modern San Rafael" list the full title "... Rafael, (MSR), (Acacia ...), page #." From then on "ESR,#" and "MSR,#" are short, sweet and simple.	Please see Response PUB4-1
PUB4-12	I also question the use of "Ibid" especially over continuous pages. In Footnote 3 on page 13, two internet sites are listed	Please see Response PUB4-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	together, is the “ibid” for one or both? Should they each get an abbreviation? Other abbreviations could be appropriate although few are as needed as ESR and MSR.	
PUB4-13	Another good use of an abbreviation would be on page 17 (2-5) Footnote 25, use the full title once “Department of Parks and Recreation Historic Resources Inventory (Charles Hall Page & Associates, Inc.) (HRI) form ...”. Then beginning on page 19 (2-7), Footnote 31 would read “HRI form for 1321 Fourth Street, San Rafael. Recorded by Niki Simons, 1977” Do we really need the city name?	Please see Response PUB4-1
PUB4-14	Victrola Pavilion/San Rafael Improvement Club: This building and its official listing on the National Register of Historic Places should honor the buildings origin as the “Victrola Pavilion” from the 1915 Panama-Pacific International Expedition. The property is on the odd side of 5th Avenue; the address is 1801 (1800) 5th Avenue. The NRHP listing should be updated.	Please see Response PUB4-1
PUB4-15	1. The SRIC was the first chartered improvement club in the State of California and disbanded in 2001 just shy of its 100th. The ladies who filed the nomination for NR listing likely intentionally misaddressed their clubhouse as 1800 sounds more prestigious. Now and in the future use the real address.	Please see Response PUB4-1
PUB4-16	2. The building was brought to San Rafael as a gift to Leon Douglas, the inventor of early color film, a precursor to Technicolor. He was a founder of the RCA Victor Talking Machine Company and created the slogan “His Master’s Voice”. Douglas lived in the Donahue Mansion on Petaluma Blvd (Lincoln Ave) between Prospect and Paloma where his laboratory/studio still stands.	Please see Response PUB4-1
PUB4-17	It is believed the pavilion was originally earmarked to be part of Mahon’s Santa Venetia development. As that never came to fruition, it was instead delivered to the foot of Shaver to be trucked to its current location for the clubhouse. The property was donated by A.W. Foster on land he had used as tennis courts. If helpful there is more on Leon Douglas (ESR,115) and in “The Rafael- San Rafael and the Movies”.	Please see Response PUB4-1
PUB4-18	4.1986 Administrative Update: (1978 address first followed by the update address). The only changes to the 1986 inventory were:	Please see Response PUB4-1
PUB4-19	“McNears Barn – Peacock Gap” (originally listed between Paloma and Picnic) was moved to: “Biscayne Drive” – The Cultural Affairs Commission created its standing as a “local landmark” expressly for the purpose of forcing the developer to retain the footprint of and reuse the original brick from the barn slated for demolition. It is the building to the northwest.	Please see Response PUB4-1
PUB4-20	The old dairy site on Mary Street (1890 building demoed in 1983) was given the number “40”	Please see Response PUB4-1
PUB4-21	“241 West End Avenue” was the original address of 10 Sentinel Court. The address is now used for a commercial building; re-addressed to join its neighbor at 14.	Please see Response PUB4-1
PUB4-22	“901 B Street” was an incorrect listing for the “Delmonico House/Cosmopolitan Hotel”; re-addressed correctly: “747 B Street”	Please see Response PUB4-1
PUB4-23	1505 Fifth Avenue: Here is the real stickler! It appears that if a property undergoes an alteration it is flagged. This became apparent when looking over a more recent inventory received from the Planning Department in April 2018. One very pedestrian, cold grey Eichler became part of the “historic inventory” because of a bathroom remodel! It would be great to include a few very well maintained examples with appropriate colors, roof forms and landscaping or a special grouping, but not the entire development as alterations occur!	Please see Response PUB4-1
PUB4-24	Now to the mystery address of 1505 5th Avenue, the main entrance to the building at 1023 (1099) E St was undergoing ADA access improvements. Entrance to the building was briefly required through a side door which apparently created the need for a temporary address; this addition was a mistake on the 1986 Administrative Update and is a very easy fix.	Please see Response PUB4-1
PUB4-25	For confirmation please note that the APN shown for 1505 is the same as 1023 (1099) E Street. Conversely, the APN for the Chisholm Residence also matches; 1517 loses stature with the 1986 update. Please look in the original inventory boxes for 1023 E St to view the construction drawings so addressed.	Please see Response PUB4-1
PUB4-26	Listing order: The original 1978 inventory listed named streets first, lettered streets together and finally numbered streets at the end and in numerical order. The 2020 inventory mixes the names and letters together, then the numbered streets in alphabetical order; Fifth, First, Fourth, Second and Third!	Please see Response PUB4-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB4-27	To make it even more maddening the Fact Sheets are even more scrambled. When trying to review this information, compare it to 1978 and view on Google, it forces the viewer to jump back and forth with the hardcopy printout and on the computer screen. This becomes even more irritating when looking at pages 43 to 46 (2-31 to 2-34) but that will be covered shortly, again under separate cover.	Please see Response PUB4-1
PUB4-28	Primary Address: Where a building is named, the first address should relate to that name. Two examples are the “Mahon House” and the “Aileen Apartments”. 1330 is the center entrance to the “Mahon House” but has additional addresses on 4th. This should be: “1330 4th/1328-1336 4th” (not 1322 to 1328).	Please see Response PUB4-1
PUB4-29	Corner buildings such as the “Aileen Apartments” must be addressed as refers to its name; in this case “1009 B Street/1200-1216 4th Street”. The 1978 inventory listed the 4th St addresses first; those are the retail spaces below the main named building.	Please see Response PUB4-1
PUB4-30	This carries over to many other buildings. Following the logic stated above:	Please see Response PUB4-1
PUB4-31	1. The McDermott building should be “938 B St/1147-1149 4th St”.	Please see Response PUB4-1
PUB4-32	2.The Masonic Lodge should keep its decorative entry “1010 Lootens/ 882-894 4th”; Its new entry on is just that – new. They used the storefront on 4th, filling the space left vacant for its lack of feng shui (they chopped down that offending tree).	Please see Response PUB4-1
PUB4-33	3. The Peter Building should use its historic entrance to the upper floor (1240 4th/1242-1244 4th) in this case should the C St address be included?	Please see Response PUB4-1
PUB4-34	I will follow up with yet another communication to address the remaining pages of the appendix. There is so much to wrangle with it is easier to send in sets.	This comment serves as a conclusion to the previous comments.
PUB5	Leslie Simons	
PUB5-1	<i>This Public Comment Letter is a duplicate of PUB4.</i>	This comment letter is a duplicate of comment letter PUB4. Please see Response PUB4-1.
PUB6	Liza Wozniak	
PUB6-1	These comments concern Section 4.4 Biological Resources and are in addition to my February 19 comments concerning the omission of the 1929 Northwestern Pacific Railroad Depot building from our historical inventory.	The comment provides an introduction to the comments that follow. Please see Responses PUB6-2 through PUB6-6.
PUB6-2	Section 4.4 Table 4.4-1 contains numerous numerical errors in the percentage column; these should be corrected in the Final and/or explained in a footnote.	Please see Response GOV6-9.
PUB6-3	The description of CNDDDB as "monitoring" special-status wildlife is inaccurate. CNDDDB records observations submitted to it by field scientists; it does not survey or monitor at all. Occurrence records for CNDDDB species are submitted for areas under study; the absence of such records does not indicate that a species is absent, merely that it has not been observed and recorded in the database in that location. Please correct p.4.4-17.	<p>The concerns of the commenter over the use of the word “monitoring” with regard to the CNDDDB are noted. However, the use of this word in Chapter 4.4, Biological Resources, of the Draft EIR, on page 4.4-17, was made in a general sense with regard to which species receive attention in the CNDDDB database. Those with a formal listing status receive more attention by contributors to the database than Species of Special Concern or other less sensitive status. Below is the full text related to the word “monitoring” on page 4.4-17.</p> <p><i>Most of the special-status animal species in the EIR Study Area are bird species known or suspected to use suitable habitat in marsh and open waters, together with fish species that utilize the Miller Creek corridor and San Francisco Bay. Most of the species listed in Table 4.4-3 that are not State and/or federally listed species are not closely monitored by the CNDDDB and therefore occurrence records are not generally included in the database. These include species identified as “Species of Special Concern” by the CDFW.</i></p> <p>A more detailed description of how the CNDDDB is managed by the Biogeographic Data Base of the CDFW is provided on page 4.4-11 of the Draft EIR, excerpted herein. Occurrence data maintained by the CNDDDB is obtained from a variety of scientific, academic, and professional organizations, private consulting firms, and knowledgeable individuals, and entered into the inventory as expeditiously as possible. As indicated in that summary, the absence of an occurrence from a particular location does not necessarily mean that special-status species are absent from the area in question, only that no data has been entered into the CNDDDB inventory, and that detailed surveys are generally required to provide a conclusive determination on presence or absence. No revisions are considered necessary in response to the comment.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB6-4	<p>Figure 4.4-3 omits the locations of Northern Spotted Owl nests. While the precise locations should not be disclosed in a public document, the approximate locations of owl activity centers should be included on the map or noted in the legend, lest it appear that no special-status species have been recorded in areas where they in fact have been recorded. For example, the Northern Spotted Owl activity center on Southern Heights ridge is within the EIR study area and its foraging habitat may include the Downtown Precise Plan area. Please update the figure.</p>	<p><i>The California Natural Diversity Database (CNDDDB) is California’s primary inventory on the distribution of special-status species, which is maintained by the Biogeographic Data Branch of the CDFW. The CNDDDB inventory provides the most comprehensive statewide information on the location and distribution of special-status species and sensitive natural communities. Occurrence data is obtained from a variety of scientific, academic, and professional organizations, and private consulting firms and is entered into the inventory as expeditiously as possible. The occurrence of a species of concern in a particular region is an indication that an additional population may occur at another location if habitat conditions are suitable. However, the absence of an occurrence in a particular location does not necessarily mean that special-status species are absent from the area in question, it only indicates that no data has been entered into the CNDDDB inventory. Detailed field surveys are generally required to provide a conclusive determination on presence or absence of sensitive resources from a particular location, where there is evidence of potential occurrence.</i></p> <p>The concerns of the commenter over information on the location of northern spotted owl activity centers in the EIR Study Area and fact that they are not shown in Figure 4.4-3 are noted. However, the CDFW is very clear that sensitive occurrence data such as the location of nests of listed species are not to be disclosed as part of the service agreement with the CNDDDB as it could result in increased human activity by individuals that could disturb the sensitive species and jeopardize their presence at that location. A more detailed description of special-status animal species known from the EIR Study Area and of greatest concern from a planning standpoint because of their status or distribution, including Northern Spotted Owl, is discussed in greater detail in the Biological Resource and Wetland Background Report in Appendix E of the Draft EIR. Information on northern spotted owl includes a summary of known nest activity centers maintained as part of the Northern Spotted Owl Observations Database maintained by the CNDDDB. The following is an excerpt of the discussion on Northern Spotted Owl from page 13 of the Background Report.</p> <p><i>The Spotted Owl Observations Database maintained by the CNDDDB indicates a number of nest activity centers within and to the north and west of the Planning Area on San Pedro Mountain, in Marinwood Open Space along Big Rock Ridge, and along Southern Heights Ridge. However, this information is not shared with the public because of the vulnerability of nests to human disturbance.</i></p>
PUB6-5	<p>Impact BIO-1 similarly omits any mention of the Northern Spotted Owl. Although this species would be covered under the Migratory Bird Treaty Act along with all other native migratory birds, a greater level of protection should be considered for a federally threatened species within our city. Any work conducted in the vicinity of Northern Spotted Owls should avoid the nest with a buffer of at least 1/4-mile, and include biological monitoring to ensure the nesting owls are not disturbed.</p>	<p>The concerns of the commenter over potential impacts on Northern Spotted Owl are noted. Projects proposing activities in the vicinity of a Northern Spotted Owl activity center or other essential habitat of a listed special-status species would require detailed assessment and review, and likely restrictions in proximity of features such as an active nest. Please see Response ORG4-12 for a detailed discussion of policies and programs in General Plan 2040 related to special-status species and clarifying language in Program C-1.13C recommended to reinforce the importance of avoidance of occurrences of special-status species. No additional revisions are considered necessary in response to the comment.</p>
PUB6-6	<p>In Impact BIO-2, Policy C-1.12 only protects oak woodlands, and fails to provide any safeguard for Redwood forests, buckeye woodlands, native grasslands and other upland sensitive communities within the EIR study area. Mitigation Measure BIO-2 should be updated to require a survey by a qualified biologist to ascertain presence of all these communities, and to avoid or mitigate impacts to any sensitive communities present, before approval of development permits. Simply identifying the presence of a sensitive community is not sufficient to mitigate impacts. The wording of Measure BIO-3 is similarly inconclusive, stating only that surveys shall be conducted for wetland and waters, where it should state that surveyed areas will be avoided or fully mitigated.</p>	<p>The concerns of the commenter over the need to identify and adequately protect sensitive natural communities and regulated waters are noted. Please see Responses ORG4-4, ORG4-7, ORG4-10, and ORG4-12 for a discussion of potential impacts on native trees. No substantial impacts on riparian and other native habitat systems are anticipated as a result of the policy and program language in General Plan 2040. Refer to the discussion under Impact Discussion BIO-2 on pages 4.4-32 through 4.4-35, in Chapter 4.4, Biological Resources, of the Draft EIR, for an assessment of the potential impacts of implementing General Plan 2040 on riparian and other sensitive natural community types. Mitigation Measure BIO-2 was recommended to require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval, which would serve to identify any occurrences needing protection called for under other policies and programs in General Plan 2040. Policy C-</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
		<p>1.12: Native or Sensitive Habitats is intended to protect all habitats that are sensitive, rare, declining, unique, or represent a valuable biological resource. Although oak savanna/woodlands are highlighted in a program that was first adopted in 2004 as part of General Plan 2020, they are not the only habitat type that would be protected. as suggested by the commenter.</p>
		<p>Similarly, Mitigation Measure BIO-3 was recommended to require that sites with potential jurisdictional waters are surveyed for presence or absence or regulated waters. Protection policies and programs from General Plan 2040 would then apply where regulated waters are confirmed as part of the survey requirement. These include Policy C-1.1: Wetlands Preservation, Program C-1.1A: Wetlands Overlay District, Policy C-1.3: Wetland Protection and Mitigation, Program C-1.3A: Compensatory Mitigation Requirements, Program C-1.3B: Conditions for Mitigation Waivers, Program C-1.3C: Revision of Mitigation and Waiver Requirements, and Policy C-1.5: Wetland Setbacks. Refer to the Response ORG 4-20 for additional information on potential impacts regulated waters addressed under BIO-3 in Chapter 4.4, Biological Resources, of the Draft EIR.</p>
PUB7	Leslie Simons	
PUB7-1	<p>On we go! There are many issues relating to the lists; if the intent was to make a comprehensive review impossible, it almost worked. All lists on pages 43 to 46 appear to be ordered by the date of construction, yet this information is at the end in parentheses (...). It would be easier for a reader to follow by; 1. Address to cross check with; 2. the 1978 hard copy to; 3. view online (Google Maps); and 4. find the related Fact Sheet. The Fact Sheets create a whole different problem to be covered in another letter.</p>	<p>The comment does not address the adequacy of the Draft EIR. This comment provides editorial comments on the Downtown San Rafael Precise Plan Historic Resources Inventory Summary Report dated December 2020, which was included in Appendix F, Cultural Resources Data, of the Draft EIR. This report has been revised to respond to these comments. The revised report is posted on the City’s General Plan website at: https://www.cityofsanrafael.org. No further response is required.</p>
PUB7-2	<p>In this first set of lists there are repeated addresses under different headings and styles and street addresses are out of order even without construction dates. The spreadsheet provided to Jeff Rhoads was very helpful as a means to organize and will be submitted soon. I have added more information, including whether a building was considered or rated in 1978, reordered to use the format created in the 1978: 1. Named Streets; 2. Lettered Streets; and 3. Numbered Streets (in numerical order).</p>	<p>Please see Response PUB7-1</p>
PUB7-3	<p>Here the page numbers will be based on the mark-up, pages 1 to 8:</p>	<p>Please see Response PUB7-1</p>
PUB7-4	<p>(Page 1) 728 A (720 A is the apartment building to the rear). What occurred in 1915? And the building date is 1930</p>	<p>Please see Response PUB7-1</p>
PUB7-5	<p>(Page 1) 930 Tamalpais: “Northwestern”</p>	<p>Please see Response PUB7-1</p>
PUB7-6	<p>(Page 1) “Automobile-Related” lists 866 4th; on the 1978 survey this address was only as related to the delivery building at 835 5th Avenue. 866 may have many years ago been related to auto sales but its façade has been severely altered. SRH considers it an ‘E’ or less (suggesting don’t bother to consider)</p>	<p>Please see Response PUB7-1</p>
PUB7-7	<p>(Page 1) Heading: “Mid-Century Modern Auto”</p>	<p>Please see Response PUB7-1</p>
PUB7-8	<p>(Page 1) 740 A Street: definitely NOT auto-related</p>	<p>Please see Response PUB7-1</p>
PUB7-9	<p>(Page 1) 707 C Street: It is probably an office with 2 parking spaces in front but otherwise NOT auto-related</p>	<p>Please see Response PUB7-1</p>
PUB7-10	<p>(Page 1) Use full name: “The Church of St. Raphael (1919) and Mission San Rafael Arcángel (1949)” recreation</p>	<p>Please see Response PUB7-1</p>
PUB7-11	<p>(Page 1) Carnegie Library: 1904? Perhaps it was on the drawing board but not under construction yet.</p>	<p>Please see Response PUB7-1</p>
PUB7-12	<p>(Page 1) 1801 (1800) 5th Avenue: Victrola Pavilion/San Rafael Improvement Club 1915/1916 (arrived on site)</p>	<p>Please see Response PUB7-1</p>
PUB7-13	<p>(Page 1) 1221 4th (1872) There is an earlier vintage building in back which was moved slightly to allow the Grosjean & Co 4th Street frontage. It may not be the original façade but “Vernacular”?</p>	<p>Please see Response PUB7-1</p>
PUB7-12	<p>(Page 2) 844-848 B: Original DPR indicates this is “Queen Anne Commercial” (Milani Building)</p>	<p>Please see Response PUB7-1</p>
PUB7-13	<p>(Page 2) 1325 3rd: Major recent alterations; If a farm house why would it be listed “Commercial” – barn?</p>	<p>Please see Response PUB7-1</p>
PUB7-14	<p>(Page 2) 1009 B St/1200-1216 4th: List by building name not commercial frontage</p>	<p>Please see Response PUB7-1</p>
PUB7-15	<p>(Page 2) 1203 4th: Give credit to who did the alterations “- Crocker Bank (1964)” or if you must “/Wells Fargo</p>	<p>Please see Response PUB7-1</p>
PUB7-16	<p>(Page 2) 938 B/1147-1149 4th: the building name “Mulberry House/McDermott Building is on B.</p>	<p>Please see Response PUB7-1</p>
PUB7-17	<p>(Page 2) 924 B: The M. Herzog building should be considered as “contributory” at a minimum. It was fancied up a few years ago but that should not disqualify it as a historic resource and part of the historic district.</p>	<p>Please see Response PUB7-1</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB7-18	(Page 2) 724 B: the 1978 DPR states 1883. Where does 1886 come from	Please see Response PUB7-1
PUB7-19	(Page 2) 709-711 4th: to conform, list all addresses	Please see Response PUB7-1
PUB7-20	(Page 2) Heading: Would like to include both revival styles together "Mission Revival/Spanish Colonial Revival (Mission Revival)". The text under Mission Revival discusses/relates to both; this separation just adds to the confusion. They are related and the differences so minor- never add "Mediterranean" to the mix	Please see Response PUB7-1
PUB7-21	(Page 2) Add to Neo-Classical list (two buildings with Fact Sheets at the SE & SW corner of G & 4th.	Please see Response PUB7-1
PUB7-22	(Page 2) 1300 4th: "Bank of America" This name change was the result of a merger with Bank of Italy. The styling of the building was entirely due to its origin	Please see Response PUB7-1
PUB7-23	(Page 3) 1553-1557 4th: more Vernacular or something	Please see Response PUB7-1
PUB7-24	(Page 3) 926 4th: The El Camino??? Maybe once a SCR but no longer	Please see Response PUB7-1
PUB7-25	(Page 3) 901 B: was misaddressed in 1978, corrected to 747 B - Hotels: There are several more	Please see Response PUB7-1
PUB7-26	(Page 3) 1030 3rd: was built by/for Wells Fargo	Please see Response PUB7-1
PUB7-27	(Page 3) Recreation/entertainment: Add George's Pool Hall and Gordon's Opera House 1333 4th	Please see Response PUB7-1
PUB7-28	(Page 3) 1130 Mission: what is 1120? Construction date closer to 1852 - Skidmore bought it in a tax sale c1851	Please see Response PUB7-1
PUB7-29	(Page 3) 1623 & 1627 5th: (reverse order) the listed buildings are now 1623A and 1623C. B & D were relocated to the site	Please see Response PUB7-1
PUB7-30	(Page 3) Heading Queen Anne: The only two styles elaborated on were Mission Revival and Queen Anne; should others be further described? The combination between uses and styles seem to be intermixed	Please see Response PUB7-1
PUB7-31	(Page 4) These lists are so mixed up and difficult to navigate I gave up trying to make sense of it all	Please see Response PUB7-1
PUB7-32	(Page 4) 1637 5th: There is no 1635	Please see Response PUB7-1
PUB7-33	(Page 4) 30 Latham: I understood this was not in the survey area. It is minimally "Craftsman"	Please see Response PUB7-1
PUB7-34	(Page 4) Hipped Rood Cottage: Is that really a style?	Please see Response PUB7-1
PUB7-35	(Page 5) The Survey – 1st PP: "... published in 1986. That report updated a 1977 <u>1978</u> inventory ..." See Item 4 (3/7 letter)	Please see Response PUB7-1
PUB7-36	(Page 5) Footnote 1: Remove – See Item 4 in letter dated March 7, 2021	Please see Response PUB7-1
PUB7-37	(Page 6) 1st PP: Full name of church	Please see Response PUB7-1
PUB7-38	(Page 7) "The fact sheets are presented as Chapter 5 of this report <u>Appendix</u> " <i>There are too many Chapter 5s</i>	Please see Response PUB7-1
PUB7-39	(Page 7) The DPR forms are singular this should read "Primary Record (DPR523A) and Building Record (DPR523B)"	Please see Response PUB7-1
PUB7-40	Chapter 4. Survey Finding: I cannot address everything within this chapter as I do not agree with much of the 2020 survey. It is my expectation that much of this text will be altered, therefore, the notes beyond this point will relate only to specific text and not to the content.	Please see Response PUB7-1
PUB7-41	The page numbers in the original document are 51 to 73 here they will be based on the mark-up, pages 1 to 23:	Please see Response PUB7-1
PUB7-42	(Page 1) Previously Designated Historic Landmarks: "... and the <u>Victrola Pavilion</u> /San Rafael Improvement Club (<u>1801</u> 5th Ave) ... <u>Church of St. Raphael</u> and <u>Mission San Rafael Archangel</u> (1104 5th Ave)	Please see Response PUB7-1
PUB7-43	(Page 2) Footnote 1: "... 1986 <u>1978</u> Survey ..." See Major Concerns letter, Item 4.	Please see Response PUB7-1
PUB7-44	(Page 2) Mulberry House: Reverse address- See Major Concerns letter, Item 6.	Please see Response PUB7-1
PUB7-45	(Page 2) 1517 5th: "(See footnote at bottom of page) this should have been"	Please see Response PUB7-1
PUB7-46	(Page 2) Table 4-1: Add Boyd Gatehouse & Park; Victoria Pavilion, add full name of church and dump the question on 1517 5th.	Please see Response PUB7-1
PUB7-47	(Page 2) Victorian Village: "... addressed as 1623, Units A-D through a ..." (Units A and C are on the 1978 survey only) Footnote 3: See Major Concerns letter, Item 4.	Please see Response PUB7-1
PUB7-48	(Page 3) "... the four-story Classical Revival Albert Department Store building, the first high-rise office building in San ..."	Please see Response PUB7-1
PUB7-49	(Page 4-6) As will be suggested in communication from Jeff Rhoads, the boundary of the West Downtown Core Historic District (Figure 4-1) should be greatly simplified.	Please see Response PUB7-1
PUB7-50	(Page 4-6) Table 4-2: Begins at "5" where are numbers 1 to 4? These lists may be modified	Please see Response PUB7-1
PUB7-51	(Page 7-8) Similar comment for East Downtown Core Historic District (Figure 4-2)	Please see Response PUB7-1
PUB7-52	(Page 7-8) The Masonic Building is offices and lodge – not residential. There may have a few rooms for visiting Masons but	Please see Response PUB7-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	no permanent housing.	
PUB7-53	(Page 7-8) The Fenix building was on the 1978/86 inventory	Please see Response PUB7-1
PUB7-54	(Page 7-8) 854-866 Fourth was not really listed – the building at 835 5th was the reason for it being shown in 1978 did not have an address at the time	Please see Response PUB7-1
PUB7-55	(Page 9) 1801 5th (1800) why must this continue	Please see Response PUB7-1
PUB7-56	(Page 9) Table 4-4: An example of “Fifth” before “Fourth”; numbered streets should not be listed alphabetically?	Please see Response PUB7-1
PUB7-57	(Page 10-11) Figure 4-3: Remove stars and apply a color to listed buildings. Did not review lists	Please see Response PUB7-1
PUB7-58	(Page 12) This is a repeat of the area shown on page 4 - Omit	Please see Response PUB7-1
PUB7-59	(Page 13) Figure 4-5 Gateway Area: replace stars with a color or shade; There is room on the page to increase the area of the illustration to get the legend out of the way.	Please see Response PUB7-1
PUB7-60	(Page 14) Second part of list: 1123 Court, 1135 Mission seem out of the area	Please see Response PUB7-1
PUB7-61	(Page 15) Chisholm and Schlosser-Cole Residences: See “Major Concerns” dated March 7, 2021 to clear this “discrepancy”	Please see Response PUB7-1
PUB7-62	(Page 15) 930 Tamalpais: Must be rated higher. SRH has proposed as a local landmark	Please see Response PUB7-1
PUB7-63	(Page 19) There are several Chapter 5s related to this project making navigation totally maddening	Please see Response PUB7-1
PUB7-64	(Page 19) “SIS” need to include local importance; Add the full title of the church and mission	Please see Response PUB7-1
PUB7-65	(Page 20-23) Interestingly the addresses appear a bit more orderly. See Item 5 in letter dated March 7, 2021	Please see Response PUB7-1
PUB7-66	The eligibility and rating of the buildings listed are subject to further discussion. Specific recommendations by item identification number follow:	Please see Response PUB7-1
PUB7-67	Item 1: the address of the building is 728. The other address refers to the apartments at the rear of the lot.	Please see Response PUB7-1
PUB7-68	Missing: 739 A Street, the Scout headquarters on the southwest corner has a great deal of history	Please see Response PUB7-1
PUB7-69	Item 14: “1009 B/1200-1216 Fourth” - finally the right ad	Please see Response PUB7-1
PUB7-70	Item 16: the Mulberry House is out of order, it should be 14.	Please see Response PUB7-1
PUB7-71	Item 20: set 1 (named streets) – set 1 starts the inventory list	Please see Response PUB7-1
PUB7-72	Items 31 to 46: set 3 (numerical streets) Numbered streets should be grouped together in numerical order	Please see Response PUB7-1
PUB7-73	Item 40: This is the Chisholm Residence	Please see Response PUB7-1
PUB7-74	Item 47: Out of address order	Please see Response PUB7-1
PUB7-75	Item 48: On the corner of Miramar and 2nd; how did it get a First Street address? In this case I would use the Second Street address in set 3 (in numerical order)	Please see Response PUB7-1
PUB7-76	Items 49 to 107: set 3 (numbered streets) list before “Fifth”	Please see Response PUB7-1
PUB7-77	Item 65: 1010 Lootens should be primary	Please see Response PUB7-1
PUB7-78	Items 80 and 81: These are new buildings and should not appear in this list at all. Having been built relatively close to their originals they could be considered “contributory” if a historic district is formed.	Please see Response PUB7-1
PUB7-79	Item 84: “1333 4th/1327-1337 4th”; Gordon’s Opera House should be first and it should get a higher rating	Please see Response PUB7-1
PUB7-80	Item 85: out of order – should precede the opera house	Please see Response PUB7-1
PUB7-81	Item 92: Should list as PG&E headquarters	Please see Response PUB7-1
PUB7-82	Item 93: Need to check the addresses involved. Too many structures are included; “former”? it is still there	Please see Response PUB7-1
PUB7-83	Items 108 to 132: set 1 (named streets) joining 1023 Court.	Please see Response PUB7-1
PUB7-84	Item 109: Move to set 2 (lettered streets) and should receive a higher rating	Please see Response PUB7-1
PUB7-85	Items 110 to 132: set 1 (named streets)	Please see Response PUB7-1
PUB7-86	Items 133 to 143: set 3 (numbered streets) Second should precede Third	Please see Response PUB7-1
PUB7-87	Item 144: This is out of the area, or should be	Please see Response PUB7-1
PUB7-88	Items 145 and 146: set 1 (named streets); 146 should have a much higher rating sim to 145	Please see Response PUB7-1
PUB7-89	Item 147: The pictured building was moved to the site when the French Quarter was being developed. The addresses on Irwin relate more to the 1978 survey. This building is part of the historic district as are the relocated buildings at Victorian Village (Items 158 and 159)	Please see Response PUB7-1

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB7-90	Items 148 to 154: set 3 (numbered streets) and at least here Third does come before Fourth.	Please see Response PUB7-1
PUB7-91	Item 155: set 1 (named streets) Lincoln is placed between Fourth and E - Wild!	Please see Response PUB7-1
PUB7-92	Item 156: set 2 (lettered streets) use its original address – 1023 (1099) E- Schlosser-Cole House	Please see Response PUB7-1
PUB7-93	Item 157: move with Item 156	Please see Response PUB7-1
PUB7-94	Item 158: set 3 (numbered streets) 1623 is the corner building (1623A)	Please see Response PUB7-1
PUB7-95	Item 159: move with item 158; original address was 1627 (1623C). 1623B & 1623D were relocated to the site when the property was developed. All four structures are included in the historic district.	Please see Response PUB7-1
PUB8	Leslie Simons <i>The comment provides an attachment to Public Comment Letters PUB3, PUB4, PUB5, and PUB7. The attachment is a copy of the Downtown San Rafael Precise Plan Historic Resources Inventory Summary Report with notations in the file which reflect the comments summarized in the aforementioned Public Comment Letters.</i>	The comment provides an attachment to comment letters PUB3, PUB4, PUB5, and PUB7. The attachment is a copy of the Downtown San Rafael Precise Plan Historic Resources Inventory Summary Report dated December 2020 with notations in the file, which reflect the comments summarized in the aforementioned comment letters. This report has been revised to respond to these comments. The revised report is posted on the City's General Plan website at: https://www.cityofsanrafael.org . No further response is required.
PUB9	Victoria DeWitt	
PUB9-1	I have the following comments on the Draft EIR: 1) Aesthetics, pg 4.1-5 The Hillside <u>Residential</u> Design Guidelines Manual, adopted in October 1991, establishes an environmental and design review process for residential development proposed on hillsides <u>to protect the public welfare</u> and to ensure new development is compatible with neighboring development and that new development would <u>will</u> not have a physical or visual impact on the natural setting of the hillside. The Hillside Residential Design Guidelines Manual outlines guidelines that are intended to provide the foundation for the Hillside Residential and Hillside Resource <u>Residential</u> General Plan land use designation, as guidelines for the environmental and design review process, and as guidelines for development on hillsides that does not fall into a hillside land use designation. The design guidelines provided in the Hillside <u>Residential</u> Design Guidelines Manual include, but are not limited to, <u>limitations on building height and bulk, a natural state requirement which provides for a portion of the land to remain undeveloped and undisturbed, parking requirements on narrow streets, and restrictions on development within 100 feet of the ridgeline.</u> maximum density, maximum building height, additional height limits, preserve mature trees, and preserve unique vegetation. The Hillside <u>Residential</u> Design Guidelines Manual outlines guidelines for removal of <u>preservation of</u> significant trees, <u>minimizing</u> hillside grading and <u>alterations to natural drainage courses</u> , as well as architectural standards with specific criteria for use of materials and colors <u>that blend rather than contrast with colors of the surrounding landscape and the natural setting.</u>	The requested edits are noted and have been incorporated in Chapter 5, Revisions to the Draft EIR, of this Final EIR. They do not provide new information, nor do they address the adequacy of the analysis or impact conclusions of the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.
PUB9-2	Aesthetics, pg 4.1-8, Neighborhoods, 1st paragraph: ...tree-lined streets and hilly terrain as in the Los Ranchitos, Sun Valley, Fairhills, Lincoln San Rafael Hill, Gerstle Park, <u>West End</u> , Picnic Valley, Bret Harte, and California Park neighborhoods.	The requested edits are noted and have been incorporated in Chapter 5, Revisions to the Draft EIR, of this Final EIR. They do not provide new information, nor do they address the adequacy of the analysis or impact conclusions of the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.
PUB9-3	3) Aesthetics, Pg 4.1-10 Change “ The West End District ” to “ The West End Village District ” in order not to confuse this with the West End Neighborhood.	The requested edits are noted and have been incorporated in Chapter 5, Revisions to the Draft EIR, of this Final EIR. They do not provide new information, nor do they address the adequacy of the analysis or impact conclusions of the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.
PUB9-4	4) Biological Resources, pg 4.4-42: Program C-1.16C: Tree Preservation. Consider <u>Adopt a tree</u> ordinances and with standards that limit the removal of trees	The comment addresses requested changes to a General Plan Program and does not address the adequacy of the Draft EIR. General Plan Program C-1.16.C has been edited to incorporate the more proactive verb “Adopt”

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

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	<p>of a certain size and require replacement when trees must be removed. <u>Adopt the following table defining protected and heritage trees, diameter measured at breast height:(source: Marin County)</u></p> <table border="1"> <thead> <tr> <th>Common Name</th> <th>Botanical Name</th> <th>Protected Size</th> <th>Heritage Size</th> </tr> </thead> <tbody> <tr><td>Arroyo willow</td><td>S. lasiolepis</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Big-leaf maple</td><td>Acer macrophyllum</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Bishop pine</td><td>Pinus muricata</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Blue oak</td><td>Q. douglasii</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Box elder</td><td>A. negundo var. californicum</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>California bay</td><td>Umbellularia californica</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>California black oak</td><td>Q. kelloggii</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>California buckeye</td><td>Aesculus californica</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>California nutmeg</td><td>Torreya californica</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Canyon live oak</td><td>Q. chrysolepis</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Chaparral oak</td><td>Q. wislizeni</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Coast live oak</td><td>Quercus agrifolia</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Coast redwood</td><td>Sequoia sempervirens</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Douglas-fir</td><td>Pseudotsuga menziesii</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Giant Chinquapin</td><td>Castanopsis chrysophylla</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Hawthorn</td><td>Crataegus douglasii</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Mountain-mahogany</td><td>Cercocarpus betuloides</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Narrow leaved willow</td><td>Salix exigua</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Shreve's Oak</td><td>Q. parvula var. shrevei</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Oregon ash</td><td>Fraxinus latifolia</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Oregon oak</td><td>Q. garryana</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Pacific madrone</td><td>Arbutus menziesii</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Pacific yew</td><td>Taxus brevifolia</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Red alder</td><td>A. rubra</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Red elderberry</td><td>Sambucus callicarpa</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Red willow</td><td>S. laevigata</td><td>6 inches</td><td>18 inches</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Common Name</th> <th>Botanical Name</th> <th>Protected Size</th> <th>Heritage Size</th> </tr> </thead> <tbody> <tr><td>Sargent cypress</td><td>Cupressus sargentii</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Scouler's willow</td><td>S. scouleriana</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Service-berry</td><td>Amelanchier tahensis</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Shining willow</td><td>S. lucida ssp. Lasiandra</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Silk tassel</td><td>Garrya elliptica</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Sitka willow</td><td>S. sitchensis</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Tanbark oak</td><td>Lithocarpus densiflorus</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>Valley oak</td><td>Q. lobata</td><td>6 inches</td><td>18 inches</td></tr> <tr><td>Wax myrtle</td><td>Myrica californica</td><td>10 inches</td><td>30 inches</td></tr> <tr><td>White alder</td><td>Alnus rhombifolia</td><td>10 inches</td><td>30 inches</td></tr> </tbody> </table>	Common Name	Botanical Name	Protected Size	Heritage Size	Arroyo willow	S. lasiolepis	6 inches	18 inches	Big-leaf maple	Acer macrophyllum	10 inches	30 inches	Bishop pine	Pinus muricata	10 inches	30 inches	Blue oak	Q. douglasii	6 inches	18 inches	Box elder	A. negundo var. californicum	10 inches	30 inches	California bay	Umbellularia californica	10 inches	30 inches	California black oak	Q. kelloggii	6 inches	18 inches	California buckeye	Aesculus californica	10 inches	30 inches	California nutmeg	Torreya californica	10 inches	30 inches	Canyon live oak	Q. chrysolepis	6 inches	18 inches	Chaparral oak	Q. wislizeni	6 inches	18 inches	Coast live oak	Quercus agrifolia	6 inches	18 inches	Coast redwood	Sequoia sempervirens	10 inches	30 inches	Douglas-fir	Pseudotsuga menziesii	10 inches	30 inches	Giant Chinquapin	Castanopsis chrysophylla	10 inches	30 inches	Hawthorn	Crataegus douglasii	10 inches	30 inches	Mountain-mahogany	Cercocarpus betuloides	10 inches	30 inches	Narrow leaved willow	Salix exigua	6 inches	18 inches	Shreve's Oak	Q. parvula var. shrevei	6 inches	18 inches	Oregon ash	Fraxinus latifolia	10 inches	30 inches	Oregon oak	Q. garryana	6 inches	18 inches	Pacific madrone	Arbutus menziesii	6 inches	18 inches	Pacific yew	Taxus brevifolia	10 inches	30 inches	Red alder	A. rubra	10 inches	30 inches	Red elderberry	Sambucus callicarpa	10 inches	30 inches	Red willow	S. laevigata	6 inches	18 inches	Common Name	Botanical Name	Protected Size	Heritage Size	Sargent cypress	Cupressus sargentii	6 inches	18 inches	Scouler's willow	S. scouleriana	6 inches	18 inches	Service-berry	Amelanchier tahensis	10 inches	30 inches	Shining willow	S. lucida ssp. 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Pacific madrone	Arbutus menziesii	6 inches	18 inches																																																																																																																																																							
Pacific yew	Taxus brevifolia	10 inches	30 inches																																																																																																																																																							
Red alder	A. rubra	10 inches	30 inches																																																																																																																																																							
Red elderberry	Sambucus callicarpa	10 inches	30 inches																																																																																																																																																							
Red willow	S. laevigata	6 inches	18 inches																																																																																																																																																							
Common Name	Botanical Name	Protected Size	Heritage Size																																																																																																																																																							
Sargent cypress	Cupressus sargentii	6 inches	18 inches																																																																																																																																																							
Scouler's willow	S. scouleriana	6 inches	18 inches																																																																																																																																																							
Service-berry	Amelanchier tahensis	10 inches	30 inches																																																																																																																																																							
Shining willow	S. lucida ssp. Lasiandra	6 inches	18 inches																																																																																																																																																							
Silk tassel	Garrya elliptica	10 inches	30 inches																																																																																																																																																							
Sitka willow	S. sitchensis	6 inches	18 inches																																																																																																																																																							
Tanbark oak	Lithocarpus densiflorus	10 inches	30 inches																																																																																																																																																							
Valley oak	Q. lobata	6 inches	18 inches																																																																																																																																																							
Wax myrtle	Myrica californica	10 inches	30 inches																																																																																																																																																							
White alder	Alnus rhombifolia	10 inches	30 inches																																																																																																																																																							
PUB9-5	<p>Policy C-1.17: Tree Management. Encourage <u>Require</u> the preservation of healthy, mature trees when development and/or construction is proposed. Site plans should indicate the location of all trees and include measures to protect them where feasible. <u>Require a tree management plan prepared by a licensed arborist using published standards and practices for protecting and monitoring the health of the trees both during and post construction.</u></p>	<p>Please see Response PUB9-4. General Plan Policy C-1.17 was edited to change “Encourage” to “Strongly Encourage.” This revision does not change the analysis or determinations made in the Draft EIR and recirculation is not necessary. The need for a tree management plan would be determined during the update of the tree ordinance (see Program C-1.16C)</p>																																																																																																																																																								
PUB9-6	<p>Also, included in my comment letter dated December 15, 2020, I recommend adding the following program: Program C-1.17A. Tree replacement policy. <u>Adopt a tree replacement policy that reduces our carbon footprint and aligns with the City’s policies for Climate Change. Rather than require tree replacement of 3:1, without regard to size, and frequently settling for a noncompliance fee, require tree replacement based on a calculation of energy costs savings, runoff absorption, wildlife support, carbon absorption, fire hazard mitigation, and beauty that is equal to or greater than the trees that are removed.</u></p>	<p>Please see Response PUB9-4.</p>																																																																																																																																																								
PUB9-7	<p>Biological Resources, pg. 4.4-43: Policy CDP-3.6: Tree Preservation, Removal and Replacement. Program CDP-3.6A: Mitigation for Tree Removal. Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site <u>or reducing the footprint of the proposed development.</u> Tree replacement value should be based on a <u>value equal to or exceeding the</u></p>	<p>The requested edits are noted and have been incorporated in Chapter 5, Revisions to the Draft EIR, of this Final EIR. They do not provide new information, nor do they address the adequacy of the analysis or impact conclusions of the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>																																																																																																																																																								

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PUB9-8	<p><u>carbon footprint and ecological benefits of the existing trees proposed for removal. Ecological benefits include water conservation and absorption of water runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention and slope stabilization, wildlife support, and scenic beauty.</u> mass rather than a numeric ratio score.</p> <p>6) Geology and Soils, pg 4.7-4 – add underlined text: Chapter 14.12, Hillside Development Overlay District. “...on-site parking, and implements site design policies of the General Plan <u>and the Hillside Residential Design Guidelines Manual.</u>”</p>	<p>The requested edits are noted and have been incorporated in Chapter 5, Revisions to the Draft EIR, of this Final EIR. They do not provide new information, nor do they address the adequacy of the analysis or impact conclusions of the Draft EIR. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
PUB9-9	<p>7) Geology and Soils, pg 4.7-22, the following changes were included in my previous comment letter dated December 15, 2020, repeated here:</p> <p>Program S-2.1B: Geotechnical Review: pg 8-7 Continue to require geotechnical studies and peer review for proposed development as set forth in the City’s Geotechnical Review Matrix <u>to assess soil/geologic hazards and determine if these hazards can be adequately mitigated.</u></p> <p>Such studies should determine the extent of geotechnical hazards, optimum design for structures, the <u>feasibility</u> and suitability of <u>a</u> proposed development for it’s location, the need for special structural requirements, and measures to mitigate any identified hazards. <u>In some instances, an engineering solution may not be economically feasible, and avoidance of the hazard may be the best way to assure public health and safety, per LHMP. These findings shall be considered in conjunction with development review before project approval.</u> Periodically review and update the Geotechnical Review Matrix to ensure that it supports and implements the Local Hazard Mitigation Plan.</p> <p>Policy S-2.2: Minimize the Potential Effects of Landslides Development proposed in areas with existing or potential landslides (as identified by a registered <u>Certified Engineering Geologist or Registered Geotechnical Engineer</u> or the Local Hazard Mitigation Plan (LHMP)) shall not be endangered by, nor <u>or</u> contribute to, hazardous conditions on a <u>the</u> site or <u>on</u> adjoining properties. <u>Development in areas subject to landslide hazards shall incorporate adequate mitigation measures that have a design factor of safety of at least 1.5 static conditions and 1.0 for pseudo-static (earthquake) conditions.</u></p>	<p>The comment does not address the adequacy of the Draft EIR and no further response is warranted.</p> <p>The comment addresses requested changes to a General Plan Program and Policy made in December 2020. Text edits to the Program in question were made in response to this comment. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p>
PUB9-10	<p>8) Appendix C: Land Use Map Changes APN 12-041-13 is a vacant lot at the end of Fremont Road that is the site of a 400 foot swale that funnels water, sometimes a massive waterfall, into a city maintained culvert at it’s base which directs water flow down the hill. When the water isn’t flowing, you can visibly see the land subsidence and deep scars left from years of water wearing a path down the hill, taking the land with it. APN 12-041-13 is currently zoned R-10. This lot is unbuildable and should be zoned as “conservation.”</p>	<p>The recommended change is to the General Plan Land Use Map rather than the Draft EIR. Per a previous response to this comment, the Conservation designation is intended for large open space properties and not for small vacant residentially-zoned lots.</p>
PUB9-11	<p>9) The reference to the “Hillside Residential Design Guidelines Manual” is the correct name of the manual and is referenced in Municipal Code 14.12. Several references in the DEIR have shortened the name to the “Hillside Design Guidelines Manual,” creating inconsistency; you may consider changing to the full name of the manual for consistency and agreement. See Aesthetics, pg. 4.1-5, 3rd paragraph, 5 references; pg 4.1-13, CDP-1.3A, 2 references; pg 4.1-14, Program C-1.10A, 2 references; pg 4.1-15, 2nd paragraph, 1 reference; and pg 4.1-19, 2nd paragraph, 1 reference.</p>	<p>Revisions to the reference of the “Hillside Residential Design Guidelines Manual” were made in Chapter 5, Revisions to the Draft EIR as requested in comments PUB9-1 and PUB9-8. These revisions do not change the analysis or determinations made in the Draft EIR and recirculation is not necessary.</p> <p>Edits to the Chapter 4.1 Aesthetics, of the Draft EIR were not made, as these edits do not change the analysis or impact conclusions in the Chapter.</p>
PUB9-12	<p>You have stated in your staff report, under “Summary of Comments Received to Date” that responses to comments received in January and February are still underway. I have not yet received a response to a letter I submitted on December 15, 2020. Can you tell me when I can expect to receive a response to this letter and how you will communicate your response.</p>	<p>This comment does not address the adequacy of the Draft EIR. Responses to the December and February letters were provided by City staff in early April.</p>

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
D. Oral Comments at Public Hearings		
PH1	Planning Commission Hearing, March 9, 2021	
PH1-1	Commissioner question: How was the # of employees projected to increase in the next 20 years? How was that number formulated?	As described on P. 2-15 of the Draft 2040 General Plan, employment growth projections are based on the Association of Bay Area Government's Plan Bay Area 2040 forecasts for San Rafael and were adjusted for growth that has occurred since the 2010 start point.
PH1-2	Commissioner question: With projecting population, there were sections about schools and other structures. Can you basically explain how you come up with the numbers in terms of the types of population that make up that growth?	Student enrollment projections are discussed in Chapter 4.15, Public Services and Recreation of the Draft EIR on pgs. 4.15-22 to 4.14-25. Future enrollment projections are based on student generation factors, shown on Table 4.15-4 on p. 4-15-24, as well as demographic models used by the school districts. As part of the population projection process, City staff coordinated with the San Rafael City School District and Miller Creek School District, each of which does enrollment forecasts based on demographic data and data about development, including student multipliers for different housing types.
PH1-3	Commissioner question: We are closing certain schools within SRCS. Does this report and the general plan impact the way you treat those sites? If we hold them as childcare centers and then they eventually become schools when we need them? How do we look at these existing sites? They closed Short School because of declining enrollment and there are others with declining enrollment. There may be more because of COVID.	The disposition of school sites varies within the City. A few repurposed or vacant schools (or underutilized areas on active school campuses) are identified as potential housing sites while others remain as public facilities. The decision to close schools, and either lease the facilities or sell the property is made by district trustees for the SRCS and MCSD, through the school master planning process, and not by the City.
PH1-4	Commissioner question: There was a chapter regarding biology but it didn't discuss removal of non-invasive species. It talked about native species and protecting native species but we do have a number of open space areas that have a great deal of eucalyptus which are invasive and contribute to wildfire risk. How is this addressed in the EIR? Are there any plans to address that?	The purpose of the Draft EIR is to evaluate potential environmental impacts associated with adopting the 2040 General Plan, so the biological resources evaluation focuses on potential future impacts to important species. The 2040 General Plan contains numerous policies calling for removal of invasive species for both ecological benefits and wildfire risk management.
PH1-5	Commissioner question: The nesting bird issue. Are there specific species that we look at or if it is any nesting bird?	The 2040 General Plan contains Policies and New or Modified Programs addressing nesting birds which are intended to protect endangered species., The list of species can be found in Chapter 4.3, Biological Resources of the Draft EIR in Table 4.4-3 "Special Study Animal Species in the EIR Study Area" under the Bird subheading.
PH1-6	Commissioner question: In regards to tribal resources, I know that the location of tribal artifacts is for the most part confidential to prevent the disturbance of resources. Does the Draft EIR take into account the location of those resources to ensure they are not disturbed?	The 2040 General Plan includes Policies and New or Modified Programs that require appropriate levels of cultural resource impact analysis for new development. This would include more rigorous investigations of sites with known resources. On these sites, the analysis is kept confidential to avoid the potential for stealing resources.
PH1-7	Commissioner question: Diesel particulates- because of the SMART train and other future trains on that track- is there a possibility of more emissions given more frequent train routes along that track were considered in the Draft EIR?	<p>The number of trains per day is not expected to change significantly. Currently, SMART is on a reduced schedule due to COVID and when full service is restored, the number of train trips is expected to remain lower than pre-COVID conditions due to reduced ridership and high operating costs.</p> <p>All the diesel multiple units (DMUs) in the SMART fleet are equipped with EPA Tier 4 locomotives, which are state-of-the-art and have the lowest diesel particulate matter (DPM) emission factors. In the recent Environmental Assessment for the Downtown San Rafael to Larkspur Extension (Sonoma-Marin Area Rail Transit, December 2014), the health risks from locomotive DPM emissions were evaluated for the potential to impact nearby sensitive receptors. It was assumed that sensitive receptors would be within 75 feet of idling trains and 30 feet from traveling trains. The results indicated that DPM cancer risk at the nearest sensitive receptors would be much less than the BAAQMD threshold of 10 in a million.</p> <p>In addition, as discussed in the Air Quality chapter of the DEIR (page 4.3-29), General Plan 2040 Program C-2.2A requires the development review process to consider adequate buffering or setbacks when a sensitive receptor is proposed near an existing source of toxic contaminants. More specifically, proposed projects within 500 feet of US-101 or I-580 would require a toxic air contaminant health risk assessment to be conducted. Since the Downtown San Rafael SMART Station and rail lines are adjacent and parallel to US-101, health risks from SMART passenger trains would be included when evaluating future housing projects within 500 feet of US-101.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PH1-8	Commissioner question: One thing that is apparent in San Rafael, parking is insufficient for high density housing areas. Does the Draft EIR look into surveys that suggests the number of cars per unit for particularly high-density housing areas?	It should also be noted that if commuter train traffic increases in the future, it will be offset with a reduction in vehicle emissions due to reduced motor vehicle trips. With advances in locomotive and truck emission technologies, overall DPM emissions in San Rafael should decrease with time and risks to nearby sensitive receptors from SMART trains would not exceed BAAQMD significance thresholds.
PH1-9	Commissioner question: As folks know, there are a number of communities in San Rafael that are in wildfire prone areas, particularly hillsides, without access to emergency vehicles because of the size of streets and the tight turns. Does CEQA cover this? Is it in the CEQA scope of work to analyze alternative roads that people could use to leave those areas in the event of a fire?	Fire risk is reviewed under CEQA for most new development, and for larger projects, secondary emergency access is typically required through code enforcement and permit conditions.
PH1-10	Public comment: We are working with the City to look at historic resources. We had previously submitted a comment on these resources which will be included in the record for this meeting but I will summarize it. The essence of the effort is to promote the interests of the broader San Rafael community. We support the City's many actions favoring historic resources. Besides providing incentives for preservation you are elevating preservation through urban design and placemaking which recognizes that the historic buildings can provide a record of collective memories and can be improved. We are sensitive to the costs of the City also. Some of our comments express this issue directly. We support policies that encourage development while they also promote historic preservation because we know that historic preservation has resulted in economic development in the downtown business area. While there are many policy and regulatory points for historic preservation we are most familiar with Redwood City's experience. As such, that serves for the basis of a number of our observations regarding mitigation. Given our limited resources at San Rafael Heritage, we intend to continue providing timely input on the historic inventory rating of resources to provide input on surveyed areas and to provide recommendations for the refinement of proposed district boundaries. We will continue this work with the planning commission prior to the consideration of these documents. In order to facilitate the implementation of the Downtown Precise Plan we have addressed development standards with a consideration of setting the right balance between historic preservation priorities and providing flexibility and incentives for project proponents. We also recommend the formation of a San Rafael 5-member Historic Resources Advisory Committee based on the Redwood City model with 5 members appointed by the Planning Commission. This commission would be vital to the successful preservation of historic resources. This commission would have a limited focus on the preservation of historic resources as defined by the Municipal Code and the Downtown Precise Plan. In recognition of funding limitation, we recommend using preservation mitigation fee impacts for various historic protection activities. Specifically an update to the historic resource inventory and for staff support for a historic resource advisory committee. Lastly, we recommend the inclusion of a concise context summary statement in the Downtown Precise Plan. San Rafael Heritage encourages that this contextual statement talk about historic resources in the downtown, especially along Fourth Street. We want to highlight buildings from each architectural time period which inform future downtown flow.	The comment does not address the adequacy of the Draft EIR. Please see Comment PUB 3. Edits to the Downtown Precise Plan and the General Plan 2040 have been made in response to public comments.
PH1-11	Public comment: It may seem counterintuitive that San Rafael Heritage would advocate for modification to the Downtown Precise Plan FBC that result in less restrictive standards for construction on sites which are adjacent to historic resources. A significant majority of our steering committee supported this position although not a consensus. I was an advocate based on what I observed while serving on the Redwood City Historic Advisory Committee. Take home from that experience is new development and historic preservation are mutually dependent. Restored and successful occupied historic buildings contribute to the character in place in downtown and new development powers the economic engine which makes downtown successful and makes restoration economically feasible. Purchasing a downtown San Rafael historic building and restoring it into rentable condition costs approximately \$500 per square foot. A robust economy is required to make restoration feasible. Considering the challenges that we face post-pandemic we need to prime our engine. Redwood City saw a dramatic increase in apartments, office space, and restaurants were made possible by its location in Silicon Valley in	The comment does not address the adequacy of the Draft EIR. Edits to the Downtown Precise Plan and the General Plan 2040 have been made in response to public comments.

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	<p>a well conceived and not overly restrictive way. For this reason we recommend applying Redwood City’s standards here while respecting the overall height limitations in the Draft Downtown Precise Plan. Consider this a beta test of the new development standards. According to Paul Jensen, the mixed-use project on the northwest corner of B and Second Streets would not conform to the Downtown Precise Plan standards. This would restrict development in that space. With a discussion with Mayor Collins, she supports historic preservation, but not in the case that it is detrimental to the Council’s priorities which include jumpstarting the economy in downtown to get desirable downtown development. You don’t want to foster an environment that discourages the preservation and restoration of historic landmarks and districts. Development standards that are punitive would do just that. We are realists and our goal is to elevate importance and presence of historic buildings to have a successful downtown. This means implementing the Downtown Precise Plan with an appropriate balance of standards and incentives to motivate property owners to restore historic buildings and to build great new projects throughout downtown San Rafael. New additions of block form buildings behind set backs required by the Code should also not be overly restrictive. We realize this would result in cases where taller new buildings are built next to smaller more historic ones. We recognize there is a trade off that results from achieving an imbalance.</p>	
PH1-12	<p>Public comment: San Rafael Heritage has been working with City staff and the Council to provide a local perspective on historic resources inventory. In general, we concur with most of the 2020 inventory, however our findings include some recommendations for insertions, deletion, and some modifications. Specific suggestions on a spreadsheet that show all and their relationships between the 1978 inventory will be sent soon to clarify what we would like to see. In the Draft EIR a process should be created to improve the methods of razing resources and offer a clear path for landmark designation for land owners who rehabilitate and restore their buildings. Provide access to incentives to a local landmark designation and possible federal and state listing. The urban design objective is to improve streetscapes to enhance buildings which may not be considered historic worthy. One example would be the Marin Municipal Water building on Fourth Street. Removal of the store front addition would create a private plaza in the space. The resource could move up to an A or B designation after restoration happens which can be incentivized through tax credits or another form. Necessary to modify graphics in the Draft EIR as it relates to the historic core and inventory list to conform to the proposed revisions (i.e resources shows on the northeast corner of Fourth and E). Also recommend, adjustments to historic district boundaries to conform to areas with a cohesive context; boundaries should be established to maintain traditional mains street character of fourth and b with buildings fronting directly on the sidewalks focusing the proposed districts on those streets. There are no specific actions, procedures or time tables identified to establish historic districts and would like to see this addressed and more detailed specific recommendations are listed in letter submitted on March 5th 2020.</p>	<p>Please see Response PUB8. Edits to the Downtown Precise Plan and the General Plan 2040 have been made in response to public comments.</p>
PH1-13	<p>Public comment: The Draft EIR 2040 notes that significant and unavoidable is a wake-up call for the City to increase its actions to reduce climate change. The DEIR projects a 20% reduction of GHG by 2040 while stating that a 60% reduction would be required to meet state law. Contrary to the report statement, GHG impacts are not unavoidable. Economic and feasible ways by 60% are available in Marin and emission sectors that DEIR lists (i.e., fossil free electricity, electric heat pumps and appliances, electric vehicles, and organic recycling. We recommend that you recommend the mitigation of these significant greenhouse gas impacts by clarifying and strengthening language to the General Plan. (1) New program clarifying climate action plan will be updated at least every 10 years adjusting programs to ensure implementation of GHG goals including reductions of 40% by 2030; 60% by 2040 and of 2050 levels that conform with state requirements (2) Strengthen the general plan program reducing natural gas use cannot just promote by to implement electrification of building systems and appliances (3) Strengthen the EV plan program of general plan to develop and implement a zero emission vehicle plan, including a goal of 60% adoption of EVs by 2040. (3) Strengthen the community composting program in the general plan to not only consider but to implement a mandatory community scale program for curbside collection composting or other low emission conversion of food and green waste in compliance with SB1383 requirements. By implementing low emission building electrification, transportation, and waste management as mitigations to general plan 2040 the required 60% of reduction of GHG is achievable over 20-year life span. Need systemic solutions to climate solution through more robust programs and requirements with supporting ordinances and incentives</p>	<p>Please see Responses under ORG5.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
	finalized by 2025 to assist the effort model ordinances already exist from the state county and other jurisdictions along with incentive programs at MCE and CAM and other partner agencies. Lastly, need to hear EIR consultants clarify how 40% GHG itemized in City's CCAP 2030, how this goal figures into conclusion reached in DEIR. Commend General Plan for recommending comprehensive plan for climate change and other issues shaping City's future.	
PH1-14	Public comment: here to reiterate previous comments about mitigating GHG. There is an urgency and climate effects are more and more evident; 2020 was hotter and more wildfires than any previous year; City needs to act and reduce GHG emissions seriously; Endorse Sustainable San Rafael recommendations. General Plan, Wetland Overlay District, County of Marin has a Baylands corridor instead along the Bay lands and there are several environmental groups that would like to see the City adopt the Bay lands corridor to be consistent with the County wide bay lands corridor; this includes current habitat that would have potential for future restoration/enhancement/flood control benefits and enable adaptation to sea level rise impacts; Need to see EIR discuss the benefits of adopting the Bay lands corridor as it is identified in the County wide plan. Lastly, Plan Bay Area, the numbers that San Rafael is projecting for growth for both population and jobs are different. Plan Bay Area in Marin County projects a 3% growth through 2050 and a 14% decrease in jobs; In alternatives section of the DEIR, support reducing population projections to Alt C- by adding more people than what is projected in Plan Bay Area and not having a very efficient and effective flexible route transit system, we are adding more to the roads and more GHG, until we have the infrastructure to support increasing population by amount in General Plan it goes against efforts to reduce GHG.	Please see Responses under ORG5 for an explanation for responses to comments on greenhouse gas emissions and Responses under ORG4 related to the Baylands Corridor. With respect to the forecasts, the <i>Plan Bay Area 2050</i> forecasts have not yet been adopted.
PH1-15	Public comment: 1) Cataloguing historic inventory without acknowledging historical properties north of mission as a historical district is a mistake. All three properties (1) Boyd Gate House (2) Boyd Mansion (3) Carriage House and Fall Kirk are continuous. Mills Act and adopting Historical Building code with further preservation versus solely an inventory/count (2) Unable to find effects of pandemic in staff report and massive shifts. Needs to be addressed and will be taken up in a subject prior to Plan's ratification in the Marin Post Journal. Survey's, questionnaires and conclusions did not match new realities (i.e. work, shopping, urban access, building ventilation design, behavioral patterns). Pre pandemic survey's are only positive and one could not submit survey; need multiangle of distance visual representation at the book ending of West End village including maximum height bonuses and an analysis and inclusion by third party of the survey's findings; corner of 4th and E street is a high point in town and will be visible insult to the community if an apartment is too tall; I suggest shading studies be mandatory for any buildings over 3 stories.	Please see Responses under ORG3, PUB8, and PH1-10, PH1-11, PH1-12.
PH1-16	Commissioner comment: Agreed with Sustainable San Rafael aim for a 60% target and wondering if there are recommendations could be considered; will be in 2040 plan as opposed to DEIR. Is it feasible to add some of the recommendations from sustainable san Rafael standards to the 2040 plan to fill the gap?	The comment does not address the adequacy of the Draft EIR. Please see Response ORG5.
PH1-17	Commissioner comment: San Rafael Heritage suggestions should be considered.	Please see Response PUB8 and PH1-10, -11, and -12.
PH1-18	Commissioner comment: Comments by Sears regarding historic properties, north of Mission and extend farther north to Eichler building in Terra Linda.	Please see Response PUB8 and PH1-10, -11, and -12.
PH1-19	Commissioner comment: Speaker that suggested Baylands corridor. Is this feasible?	The comment does not address the adequacy of the Draft EIR. Please see Response ORG4-20.
PH1-20	Commissioner comment: COVID reduced traffic patterns. How were traffic projections measured? Consider analysis of traffic GHG since the pandemic.	Traffic measurements were taken prior to the pandemic, and the forecasts are for 2040 and consider multiple variables related to travel demand. The comment does not address the adequacy of the Draft EIR.
PH1-21	Commissioner comment: Support Bay lands corridor comment: contributing to overall plan with the County and have a coordinated effort.	The comment does not address the adequacy of the Draft EIR. Please see Response ORG4-20.
PH1-22	Commissioner comment: Hybrid workplace future. There will be more flexibility post COVID. Need to scan document and look at post COVID work. Need to speculate into the future to help this guiding document.	This comment does not address the adequacy of the Draft EIR. Revisions have been made to General Plan 2040 and the Downtown Precise Plan as needed.
PH1-23	Commissioner comment: Alternates for population growth. Prefers Alt B; need to find measures to meet 60% reduction; Need to take on housing crisis and be leader in that and also help to reduce GHG goals; DEIR show impacts but need to make more document more streamline to put San Rafael in the best 2040- encourage business, smart growth and ecologically sensitive and address issues that impact us with equity and diverse fabric in San Rafael.	Alternative B is inconsistent with regional projections described in Plan Bay Area 2040 and represents a higher level of growth than would be consistent with regional plans (including the Water District's Plan, BAAQMD's plans, etc.) The preferred alternative is consistent with these forecasts.
PH1-24	Commissioner comment: Previous meeting heard about Tiscornia Marsh restoration project and they are doing EIR for this	The comment does not address the adequacy of the Draft EIR.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS ON THE DRAFT EIR

Comment #	Comment	Response
PH1-25	<p>project. This is a key component in sea level rise adaptation.</p> <p>Commissioner comment: On a Task Force for transformation of transportation infrastructure to electric. 30% of emission come from Transportation. San Rafael has lots of street parking for high density neighborhoods, how do you support electric vehicles for people who park on the street? People need solutions to help people get into electric vehicles that can be charged.</p>	The comment does not address the adequacy of the Draft EIR.
PH1-26	Commissioner comment: Interested in how COVID will align to the GP and GHG emission issues.	The comment does not address the adequacy of the Draft EIR. Revisions to the General Plan and Precise Plan have been made as appropriate.
PH1-27	<p>Commissioner comment: Need widespread coordination to have an impact on climate change. A more feasible or viable target should be around climate resiliency. Consider economic development – it is important to bring all community members to the table. Economic development requires high levels of energy (metaphorically and physically) to make leaps. People that are most vulnerable often are at the mercy of these changes. Inherent conflicts and need to invest in communities that are typically at the end of the spectrum or lack opportunities to benefit from these changes.</p>	The comment does not address the adequacy of the Draft EIR.

COMMENTS AND RESPONSES

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5. Revisions to the Draft EIR

This chapter includes text revisions to the Draft EIR that were made in response to public, agency, and organization comments, as well as staff-directed changes. These text revisions include typographical corrections, insignificant modifications, amplifications and clarifications of the Draft EIR. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underlined text represents language that has been added to the EIR; text with ~~striketrough~~ represents language that has been deleted from the Draft EIR. Specific revisions to goals, policies, and programs in the Draft General Plan 2040 were made in response to comments on the Draft EIR. These revisions are shown below.

For edits to Chapter 2, Executive Summary, of the Draft EIR, see Chapter 2, Executive Summary, of this Final EIR. None of the revisions to the Draft EIR constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

CHAPTER 4.1, AESTHETICS

The third paragraph on page 4.1-5 is hereby amended as follows:

The *Hillside Residential Design Guidelines Manual*, adopted in October 1991, establishes an environmental and design review process for residential development proposed on hillsides to protect the public welfare and to ensure new development is compatible with neighboring development and that new development would not have a physical or visual impact on the natural setting of the hillside. The *Hillside Residential Design Guidelines Manual* outlines design guidelines that are intended to provide the foundation for the Hillside Residential and Hillside Resource Residential General Plan land use designation, as guidelines for the environmental and design review process, and as guidelines for development on hillsides that does not fall into a hillside land use designation. The design guidelines provided in the *Hillside Residential Design Guidelines Manual* include, but are not limited to, limitations on building height and bulk, a natural state requirement which provides for a portion of the land to remain undeveloped and undisturbed, parking requirements on narrow streets, and restrictions on development within 100 feet of the ridgeline. ~~maximum density, maximum building height, additional height limits, preserve mature trees, and preserve unique vegetation.~~ The *Hillside Residential Design Guidelines Manual* outlines guidelines for ~~removal of~~ preservation of significant trees, minimizing hillside grading and alterations to natural drainage courses, as well as architectural standards with specific criteria for use of materials and colors that blend rather than contrast with colors of the surrounding landscape and the natural setting.

REVISIONS TO THE DRAFT EIR

The first full paragraph on page 4.1-8 is hereby amended as follows:

In addition to natural and built scenic resources, the city of San Rafael is known for its varied neighborhoods, each with their own unique visual character. Every neighborhood in the EIR Study Area is unique in its character, design, and physical amenities, each contributing to the diversity and vitality of the community. Some neighborhoods have significant defining features, such as the Eichler homes in the Lucas Valley, Marinwood, and Terra Linda neighborhoods, while others are more generally defined by natural features, such as tree-lined streets and hilly terrain as in the Los Ranchitos, Sun Valley, Fairhills, Lincoln San Rafael Hill, Gerstle Park, West End, Picnic Valley, Bret Harte, and California Park neighborhoods. Several neighborhoods are adjacent to large amounts of open space, such as the Lucas Valley, Marinwood, Smith Ranch, Terra Linda, Los Ranchitos, Santa Venetia, Glenwood, Peacock Gap, Loch Lomond, Bayside Acres, Country Club, Dominican Black Canyon, and Gerstle Park neighborhoods. Each of these neighborhoods are in areas of the EIR Study Area that possess natural environments that define the visual setting of the EIR Study Area.

The fourth bullet point on page 4.1-10 is hereby amended as follows:

- The West End Village District located on the west boundary of the Downtown Precise Plan Area, is characterized by commercial and residential buildings 2- to 3-stories in height, with scattered single-family homes surrounding it.

CHAPTER 4.4, BIOLOGICAL RESOURCES

The “fish” subsection of Table 4.4-3 on page 4.4-19 is hereby amended to include the following:

Scientific Name	Common Name	Federal List	California List	CDFW	General Habitat	Potential for Occurrence in EIR Study Area
Oncorhynchus tshawytscha	Chinook salmon (Sacramento River winter-run)	Endangered	Endangered		Requires clear, cool streams with pools and riffles, with coarse gravel beds for spawning. Sacramento River and its tributaries	Moderate. Known to pass through open water of San Francisco and San Pablo Bays during migration. San Francisco Bay designated critical habitat by NOAA Fisheries Service.

REVISIONS TO THE DRAFT EIR

Mitigation Measure BIO-1 on page 4.4-31 is hereby amended as follows:

Mitigation Measure BIO-1: To ensure sensitive species of any kind are not adversely impacted by implementation of the proposed project, the City shall adopt revisions to General Plan Program C-1.13B and shall adopt a new program or modify an existing program to clarify the need for special-status species surveys and to ensure avoidance of nests of native birds in active use to support Policy C-1.13 (Special Status Species). Revisions to new Program C-1.13B are shown in double-underlined text while the new Program is in standard text:

- **Modified Program C-1.13B: Surveys for Special-Status Species.** Require that sites with suitable natural or anthropogenic habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such surveys ~~should~~shall be conducted by a qualified biologist according to CDFW-accepted species-specific protocol-level surveys, as applicable, and occur prior to development-related vegetation removal or other habitat modifications.
- **New or Modified Program: Avoidance of Nesting Birds.** Nests of native birds ~~nests~~ in active use ~~should~~shall be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction ~~should~~shall be initiated outside the bird nesting season (February 1 March 1 through August 31) or preconstruction surveys ~~shall~~should be conducted by a qualified biologist within a minimum of 500 feet from the project site where access is feasible and in advance of no more than seven days prior to any disturbance. If active nests are encountered, appropriate work avoidance buffer zones ~~shall~~should be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest and are no longer dependent on parental care.

Table 4.4-1 on page 4.4-9 is hereby replaced with the following:

TABLE 4.4-1 ESTIMATED VEGETATION COVER IN THE EIR STUDY AREA

Vegetation Cover	EIR Study Area (Acres)	EIR Study Areas (Percent of Total)
Annual Grassland	2,773.20	14%
Costal Scrub	195.50	1%
Mixed Chaparral	232.90	1%
Oak Woodland	5,302.40	27%
Hardwood-Conifer Forest	2,295.60	12%
Riparian Woodland	107.10	1%
Lacustrine	0.50	0.003%
Freshwater Marsh	5.10	0.026%
Saline Marsh	1,196.50	6%
Eucalyptus	230.80	1%
Cropland	40.20	0.202%
Urban/Barren	7,548.40	38%
Total	19,928.20	100%

Sources: CALVEG GIS data, USDA Forest Service, 2019. Environmental Collaborative, January 2020, *San Rafael General Plan 2040 & Downtown Precise Plan Biological and Wetland Resources Background Report*.

REVISIONS TO THE DRAFT EIR

Program C-1.12B on pages 4.4-30 and 4.4-34 is hereby amended as follows:

Program C-1.12B: Oak Savanna and Oak Woodland Habitat Protection. Require proposed developments with the potential to impact oak savanna/woodland habitat to either avoid, minimize, or compensate for the loss of such habitat. Avoidance is the preferred measure where feasible. If habitat loss is deemed unavoidable, require that direct and indirect impacts be mitigated through habitat restoration, creation, or enhancement. Mitigation requirements should be based on vegetative mass rather than the number of impacted trees and shall provide for a minimum 1:1 replacement in both the aerial extent of tree canopy and number of trees lost.

Program C-1.16A on page 4.4-42 is hereby amended as follows:

Program C-1.16A: Increasing the Tree Canopy. Implement measures to increase the tree canopy, as outlined in the City's Climate Change Action Plan. These measures include:

- a) tree planting on city-owned land
- b) reviewing parking lot landscaping standards to maximize tree cover
- c) minimizing tree removal
- d) controlling invasive species that threaten the health of the urban forest
- e) integrating trees and natural features into the design of development projects
- f) encouraging trees on private property
- g) increasing the diversity of trees to increase habitat value and resilience
- h) emphasize the use of native tree species, where appropriate, given their adaptability to local conditions and increased importance to native wildlife

Program C-1.16C on page 4.4-42 is hereby amended as follows:

Program C-1.16C: Tree Preservation. ~~Consider~~ Adopt ordinances and standards that limit the removal of trees of a certain size and require replacement when trees must be removed, emphasizing the use of native tree species, where appropriate.

Program C-1.13C on page 4.4-30 is hereby amended as follows:

Program C-1.13C: Mitigating Impacts on Special Status Species. Avoid and protect occurrences of special-status species and require that consultation with resource agencies be performed in conformance with the California Endangered Species Act, the federal Endangered Species Act and other regulations, where necessary. Require that potential unavoidable impacts to special status species are minimized through design, construction, and project operations. If such measures cannot adequately mitigate impacts, require measures such as on-site set asides, off-site acquisitions (conservation easements, deed restrictions, etc.), and specific restoration efforts that benefit the listed species being impacted.

REVISIONS TO THE DRAFT EIR

The “bird” subsection of Table 4.4-3 on page 4.4-23 is hereby amended as follows:

Scientific Name	Common Name	Federal List	California List	CDFW	General Habitat	Potential for Occurrence in EIR Study Area
<i>Strix occidentalis caurina</i>	Northern spotted owl	Threatened	<u>Candidate Threatened</u>	Species of Special Concern	Dense forest and woodland, with suitable prey.	High. CNDDDB occurrences from China Camp State Park, Harry A Barber Memorial Park and Southern Heights Ridge in EIR Study Area.

CHAPTER 4.7, GEOLOGY AND SOILS

The seventh bullet on page 4.7-4 is hereby amended as follows:

- Chapter 14.12, Hillside Development Overlay District. The purpose of the Hillside Development Overlay District is to minimize hazards associated with seismic events, landslides, soil erosion, fire danger, and development on steep or unstable slopes. This chapter also encourages preservation of natural hillside features, ensures adequate emergency access and on-site parking, and implements site design policies of the General Plan and the Hillside Residential Design Guidelines Manual. This overlay applies to parcels with an average slope of 25 percent or greater or located in the Hillside Resource Residential or Hillside Residential land use designation.

CHAPTER 4.8, GREENHOUSE GAS EMISSIONS

A new program, Program C-5.1D has been added to page 4.8-22 is hereby amended as follows:

Program C-5.1D: CCAP Implementation and Updates. Conduct complete updates of the Climate Action Plan at least every ten years, adjusting programs to assure implementation of GHG goals, including reductions of 40% by 2030, 60% by 2040, and to levels conforming to Executive Orders S-03-05 and B-55-18 by 2050, or greater goals as may be adopted.

The last paragraph on page 4.8-26 is hereby amended as follows:

Significance without Mitigation: Significant and unavoidable. Implementation of the General Plan 2040 goals, policies, and programs would ensure that the City’s GHG emissions are reduced to the degree feasible. Policy C-5.1, Climate Change Action Plan, requires the City maintain and periodically update the CCAP. Policy C-5.1 is supported by Programs C-5.1A, C-5.1B, ~~and C-5.1C,~~ and C-5.1D, which require annual progress reports, quarterly forums, and identification of funding sources. Implementation of this Policy and its associated Programs would ensure the City is monitoring the CCAP’s progress toward achieving the City’s GHG reduction target and requires amendments if the CCAP is not achieving the specified level. The

REVISIONS TO THE DRAFT EIR

update would ensure the CCAP is on the trajectory consistent with the GHG emissions-reduction goal established under Executive Order S-03-05 for year 2050 and the latest applicable statewide legislative GHG emission reduction that may be in effect at the time of the CCAP update (e.g., Senate Bill 32 for year 2030). Routine updates of the CCAP typically include the following:

Program M-3.6A on page 4.8-24 is hereby amended as follows:

Program M-3.6A: ZEV Plan. Consistent with the San Rafael CCAP, develop and implement a Zero Emission Vehicle (ZEV) Plan with a goal of 25 percent of the passenger vehicles in San Rafael being ZEVs by 2030, with further reduction targets to be established for 2040. The Plan should provide for additional charging stations, preferential parking for ZEVs, and other programs that incentivize ZEV use by San Rafael residents.

Program CSI-4.17E on page 4.8-25 is hereby amended as follows:

Program CSI-4.17E: Community Composting. ~~Consider~~ Implement a mandatory community-scale program for curbside collection, and composting, or other low-emission conversion of food and green waste, as well as vegetation cleared through fire prevention efforts, in compliance with SB 1383 requirements to divert at least 75% of organics.

Policy C-1.17 on page 4.4-42 is hereby amended as follows:

Policy C-1.17: Tree Management. Strongly Encourage the preservation of healthy, mature trees when development and/or construction is proposed. Site plans should indicate the location of trees and include measures to protect them where feasible.

Policy CDP-3.6 and Program CDP-3.6A on page 4.4-43 is hereby amended as follows:

Policy CDP-3.6: Tree Preservation, Removal, and Replacement. Discourage the removal of healthy trees. Support replacement when trees are removed due to health, safety, or maintenance cost reasons.

Program CDP-3.6A: Mitigation for Tree Removal. Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site or reducing the footprint of the proposed development. Tree replacement ~~value~~ should be based on a value equal to or exceeding the carbon footprint and ecological benefits of the existing trees proposed for removal. Ecological benefits include water conservation and absorption of water runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention and slope stabilization, wildlife support, and scenic beauty ~~mass rather than a numeric ratio score.~~

Program C-4.1D on page 4.6-18 is hereby amended as follows:

Program C-4.1D: Reducing Natural Gas Use. Pending further financial analysis and community input, ~~promote~~ implement electrification of building systems and appliances in new buildings and those that currently use natural gas. This should be achieved by requiring new or replacement furnaces and appliances to be electric and utilize fossil free energy.

REVISIONS TO THE DRAFT EIR

CHAPTER 4.12, MINERAL RESOURCES

The first two paragraphs on page 4.12-3, of the Draft EIR, are hereby amended as follows:

The County of Marin approved a Surface Mining and Quarrying Permit and Reclamation Plan for the San Rafael Rock Quarry in 2010 ~~that mandates a cease of operations in 2024~~ that states that that term of the amended Reclamation Plan approval will be through December 31, 2024 and that the year 2024 is consistent with the horizon year for the evaluation of environmental impacts in the 2009 Combined Final Environmental Impact Report for the San Rafael Rock Quarry Amended Reclamation Plan and Amended Surface Mining and Quarrying Permit (State Clearinghouse Numbers 2005102122 and 2007082097). Provision #30a states that the current Quarrying Permit #Q-72-03 may continue to be valid beyond 2024 insofar as quarrying and mining operations have not ceased, and final Phase 4 reclamation is in progress per the approved Reclamation Plan and is substantially complete. Such activities may include vegetation management, marsh management, erosion and sediment control, historic structure preservation, and harbor and water quality management. However, continued quarry operations beyond 2024 would be considered a substantial extension of the termination date of mining operations as set out in the approved reclamation plan. In order for quarry operations, including but not limited to, crushing, trucking product, asphalt plant operation and barging, to continue beyond 2024, an application to amend the Reclamation Plan termination date, including continued mining operations if so desired, shall be filed at least 3 years before the termination date of the amended reclamation plan (no later than December 31, 2021).¹ The Reclamation Plan is required per State law under the California Surface Mining and Reclamation Act (SMARA)² and compliance with SMARA is ~~was~~ a requirement for approval of the Surface Mining and Quarrying Permit issued by the County of Marin pursuant to the Marin County Code Chapter 23.06, Regulation and Control of Surface Mining and Quarrying Operations. The SMARA requires, among other things, that Reclamation Plans include an anticipated termination date for mining operations,³ which as previously stated is the year 2024. Reclamation work outlined in the Reclamation Plan includes grading, erosion and sediment control measures, and vegetation restoration for the northeastern portion of the site, which was no longer operational at the time of permit approval. Permit approval also requires continuous on-site monitoring, which includes air, noise, and seismic monitoring. A grading permit issued in 2018 included more specific details for the avoidance of the California red-legged frog.⁴

The Dutra Group recently submitted ~~the~~ an application amendment to extend operations through 2044 to allow access to rock reserves remaining under the existing entitlements for the San Rafael Rock Quarry and McNear Brickworks *San Rafael Rock Quarry (CA Mine ID# 91-21-0008) Application for Amendment to Conforming Amended Reclamation Plan #Q-72-03 to Extend the Proposed Termination Date of Surface*

¹ County of Marin, September 28, 2010, Marin County Surface Mining and Quarrying Permit # Q-72-03, Amendment #1, Conditions of Approval Including Amended Reclamation Plan for the San Rafael Rock Quarry, page 10.

² County of Marin, October 8, 2012, The San Rafael Rock Quarry Conforming Amended Reclamation Plan of 2010, Updated October 8, 2012, Page 1.

³ California Department of Conservation, January 2020, Mine Reclamation, Statutes and Regulations, Section 2772(c)(3), <https://www.conservation.ca.gov/index/Documents/DMR-SR-1%20Web%20Copy.pdf>.

⁴ County of Marin, June 25, 2018, County of Marin News Releases Rock Quarry Reclamation, <https://www.marincounty.org/main/county-press-releases/press-releases/2018/dpw-rockquarry-062518>, accessed on December 11, 2019.

REVISIONS TO THE DRAFT EIR

Mining Operations to amend the proposed termination date from 2024 to 2044.⁵ The Amended Surface Mining and Quarrying Permit and Amended Reclamation Plan would maintain all conditions of the 2010-approved documents, including maintaining the San Rafael Rock Quarry's vested mining rights to extract a total of 17.5 million tons of rock from the site.⁶ The Amended Surface Mining and Quarrying Permit and associated Final EIR (State Clearinghouse Number 2008082097) and the Amended Reclamation Plan and associated Final EIR (State Clearinghouse Number 2005102122) also include a Blasting Operation Safety Plan, a Noise Reduction Plan, a Greenhouse Gas Reduction Plan, and a Marsh Restoration Plan.⁷

The last sentence of the first paragraph under the "General Plan 2040" heading on page 4.12-4 is hereby amended as follows:

As discussed in Section 4.12.1.2, Existing Conditions, the County of Marin is currently reviewing the San Rafael Rock Quarry (CA Mine ID# 91-21-0008) Application for Amendment to Conforming Amended Reclamation Plan #Q-72-03 to Extend the Proposed Termination Date of Surface Mining Operations to amend the proposed termination date from 2024 to 2044 that was recently submitted by the Dutra Group, operating permit extension for the San Rafael Rock Quarry and McNear Brickworks that is anticipated to be approved, extending mining operations through 2044.

CHAPTER 4.13, NOISE

The fourth paragraph on page 4.13-27, of the Draft EIR, is hereby amended as follows:

The San Rafael Rock Quarry and McNear Brickworks is a major stationary source of noise. Located in unincorporated Marin County adjacent to the city at 1000 Point San Pedro Road, noise sources from the quarry include on-site machinery, truck movements, periodic rock blasting, and on-road haul trucks traveling to and from the site. The quarry operates under conditions of the current Marin County Surface Mining and Quarrying Permit #Q-72-03, Amendment #1 Conditions of Approval Including Amended Reclamation Plan San Rafael Rock Quarry (CA Mine #91-21-0008), which includes conditions to address operational noise. General Plan 2040 Program NH-5.6A seeks to minimize the effects of quarry noise through cooperative efforts with the County of Marin.

⁵ Marin County, Department of Public Works, October 18, 2019, Notice of Project Status, <https://www.marincounty.org/-/media/files/departments/pw/land-use/quarry/notice-of-project-status-complete-new-app.pdf?la=en>, accessed on March 25, 2020; County of Marin, September 2019, San Rafael Rock Quarry, Application for Amendment to Conforming Amended Reclamation Plan #Q-72-03 to Extend the Proposed Termination Date of Surface Mining Operations, page 1.

⁶ Pera, Matthew, MarinIJ, October 17, 2019, Updated: October 20, 2019, <https://www.marinij.com/2019/10/17/san-rafael-rock-quarry-applies-for-20-year-mining-extension/>.

⁷ County of Marin, Department of Public Works, San Rafael Rock Quarry Information, <https://www.marincounty.org/depts/pw/divisions/projects/land-use/quarry>, accessed on December 11, 2019.

6. Mitigation Monitoring or Reporting Program

This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the proposed San Rafael General Plan 2040 and Downtown Precise Plan project, herein referred to as the “proposed project.” The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development anywhere in the EIR Study Area. The City of San Rafael must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>Mitigation Measure AIR-2.1: To reduce temporary increases in criteria air pollutant emissions (NO_x) during the construction phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.4 (Particulate Matter Pollution Reduction) to be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> <p>New Program: Require projects that exceed the BAAQMD screening sizes to evaluate project-specific construction emissions in conformance with the BAAQMD methodology and if construction-related criteria air pollutants exceed the BAAQMD thresholds of significance, require the project applicant to mitigate the impacts to an acceptable level.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure AIR-2.2: To reduce long-term increases in air pollutants during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2 (Land Use Compatibility and Building Standards) be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> <p>New Program: Require projects that exceed the BAAQMD screening sizes to evaluate project-specific operation emissions in conformance with BAAQMD CEQA Guidelines, and if operation-related air pollutants exceed the BAAQMD-adopted thresholds of significance, require the project applicants to mitigate the impact to an acceptable level.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure AIR-3.1a: Implement Mitigation Measure AIR-2.1.</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure AIR-3.1b: To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the construction phase for discretionary development projects that are subject to CEQA that exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards) be implemented as part of the project approval process:</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> New Program: As recommended by the California Air Resources Board, require projects that would result in construction activities within 1,000 feet of residential and other land uses that are sensitive to toxic air contaminants (e.g., hospitals, nursing homes, day care centers), as measured from the property line of the project, to prepare a construction health risk assessment in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment and the BAAQMD CEQA Guidelines that identifies mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0). 					
<p>Mitigation Measure AIR-3.2: To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards) be implemented as part of the project approval process:</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<ul style="list-style-type: none"> New Program: Require applicants for industrial or warehousing land uses or commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day) to contact BAAQMD to determine the appropriate level of operational health risk assessment (HRA) required. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements and mitigated to an acceptable level. 					
BIOLOGICAL RESOURCES					
<p>Mitigation Measure BIO-1: To ensure sensitive species of any kind are not adversely impacted by implementation of the proposed project, the City shall adopt revisions to General Plan Program C-1.13B and shall adopt a new program or modify an existing program to clarify the need for special-status species surveys and to ensure avoidance of nests of native birds in active use to support Policy C-1.13 (Special Status Species):</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<ul style="list-style-type: none"> Modified Program C-1.13B: Surveys for Special-Status Species. Require that sites with suitable natural or anthropogenic habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such 					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>surveys shall be conducted by a qualified biologist according to CDFW-accepted species-specific protocol-level surveys, as applicable, and occur prior to development-related vegetation removal or other habitat modifications.</p> <ul style="list-style-type: none"> New or Modified Program: Avoidance of Nesting Birds. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist within a minimum of 500 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered, appropriate work avoidance buffer zones shall be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest and are no longer dependent on parental care. 					
<p>Mitigation Measure BIO-2: To ensure sensitive riparian areas, drainages, and sensitive natural communities are not impacted through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.12 (Native or Sensitive Habitats) to ensure that sensitive natural communities are identified and addressed as part of future development review:</p> <ul style="list-style-type: none"> New or Modified Program: Surveys for Sensitive Natural Communities. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure BIO-3: To ensure that sensitive wetland habitats are not impacted directly or indirectly through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.1 (Wetlands Protection) to ensure that jurisdictional waters are identified and addressed as part of future development review:</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> New Program: Surveys for Regulated Waters. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of regulated waters prior to development approval. Such surveys should be conducted by a qualified wetland specialist and occur prior to development-related vegetation removal or other habitat modifications. 					
<p>Mitigation Measure BIO-4: To ensure that potential future development under implementation of the proposed project does not result in impacts on the movement of wildlife, the City shall adopt the following General Plan programs or amend other programs to support Policy C-1.11 (Wildlife Corridors) so that important movement corridors and the potential for increased risk of bird collisions are identified and addressed as part of future development review:</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<ul style="list-style-type: none"> New or Modified Program: Surveys for Wildlife Movement Corridors. Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of important wildlife corridors prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications. 					
<ul style="list-style-type: none"> New or Modified Program: Consider Risk of Bird Collision. Require that taller structures be designed to minimize the potential risk of bird collisions using input from the latest bird-safe design guidelines and best management practice strategies to reduce bird strikes. 					
<ul style="list-style-type: none"> New Program: Bird Safe Design Ordinance. Develop and adopt a Bird Safe Design ordinance to provide specific criteria and refined guidelines as part of design review of new buildings and taller structures. 					
CULTURAL AND TIRBAL CULTURAL RESOURCES					
<p>Mitigation Measure CULT-1: To ensure sites that contain a historic resource that are subject to demolition, destruction, or alteration, are mitigated to an acceptable level, the City shall amend Program CDP-5.1A (Preservation Ordinance).</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<ul style="list-style-type: none"> Modified Program CDP-5.1A: Update Historic Preservation Ordinance. The City of San Rafael shall modify the City’s Historic Preservation Ordinance to include updated procedures to mitigate impacts from the demolition, destruction, or alteration of historic resources. 					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Procedures could include the following:</p> <p>For any discretionary project involving a property that contains a historic resource, the City shall make a preliminary determination as to whether or not the project may have a potentially significant adverse effect on the historic resource. If the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement, to the extent feasible, the following mitigation measures.</p> <p>(a) If feasible, the applicant shall, to City satisfaction, ensure that the project adheres to one or both of the following standards:</p> <ul style="list-style-type: none"> ▪ Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or ▪ Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer. ▪ The project shall be reviewed by a qualified architect or architectural historian approved by the City and meeting the Secretary of the Interior's Professional Qualifications Standards published in the Code of Federal Regulations (36 CFR part 61), who shall make a recommendation to the decision-making body as to whether the project fully adheres to the Secretary of the Interior's Standards for Rehabilitation, as well as to whether any specific modifications are necessary to do so. The final determination as to a project's adherence to the Standards for Rehabilitation shall be made by the or the body with final decision-making authority over the project. <p>(b) If measure (a) is not feasible, and if relocation of the historic resources is a feasible alternative to demolition, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register of Historic Resources.</p>					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>If neither measure (a) nor measure (b) is feasible, the City shall, as applicable and to the extent feasible, implement the following measures in the following order:</p>					
<ul style="list-style-type: none"> ▪ Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's Standards for Architectural and Engineering Documentation. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System, and the Bancroft Library, as well as local libraries and historical societies. ▪ Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Standards for Rehabilitation to the maximum feasible extent in all alterations, additions, and new construction. ▪ Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance. ▪ Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the city limits. 					
<p>Mitigation Measure CULT-2: To ensure sites where archaeological resources are unearthed during the construction phase of development projects are mitigated to an acceptable level, the City shall amend Program CDP-5.13A (Archaeological Resources Ordinance).</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<ul style="list-style-type: none"> ▪ Modify Program CDP-5.13A: Update Archaeological Resources Ordinance. The City of San Rafael shall modify the City's Archaeological Resources Ordinance to include construction best management practices to follow if a potentially significant archaeological resource is encountered during ground disturbing activities. 					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Best management practices could include:</p> <ul style="list-style-type: none"> ▪ All construction activities within a 100-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. ▪ All developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal resource, the consulting archaeologist shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ If the resource is a nontribal resource determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. ▪ The report shall be submitted to the City of San Rafael, Northwest Information Center, and State Historic Preservation Office, if required. 					

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Mitigation Measure CULT-3: To ensure human remains that are unearthed during the construction phase of development projects are protected, the City shall adopt a new Program to support Policy CDP-5.13 (Protection of Archaeological Resources).</p> <ul style="list-style-type: none"> <p>New Program: Human Remains. Any human remains encountered during ground-disturbing activities would be required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure CULT-4: Implement Mitigation Measures CULT-2 and CULT-3.</p>	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
GEOLOGY AND SOILS					
<p>Mitigation Measure GEO-6: To ensure sensitive and unique paleontological resources are not directly or indirectly affected in the event that such resources are unearthed during project grading, demolition, or building (such as fossils or fossil-bearing deposits), the City shall adopt the following new General Plan Policy and associated Program:</p> <ul style="list-style-type: none"> <p>New Policy: Paleontological Resource Protection. Prohibit the damage or destruction of paleontological resources, including prehistorically significant fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development.</p> <p>New Program: Paleontological Resource Mitigation Protocol. The City shall prepare and adopt a list of protocols in accordance with Society of Vertebrate Paleontology standards that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
HAZARDS AND HAZARDOUS MATERIALS					
<p>Mitigation Measure HAZ-4: To ensure that construction on sites with known contamination pursuant to the lists compiled pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control’s online EnviroStor database and the State Water Resource Control Board’s online GeoTracker database, do not result in or create a significant hazard to the public or the environment, the City shall adopt the following General Plan programs to support Policy S-5.4 (Development on Formerly Contaminated Sites) to be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> <p>New Program: Environmental Site Management Plan. Require the preparation of an Environmental Site Management Plan (ESMP) in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control, for development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control’s online EnviroStor database and the State Water Resource Control Board’s online GeoTracker database.</p> <p>New Program: Soil Vapor Intrusion Assessment. For sites with potential residual contamination in soil or groundwater that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
NOISE AND VIBRATION					
<p>Mitigation Measure NOISE-1: To ensure receptors that are sensitive to construction noise are not exposed to unacceptable construction noise levels as defined in San Rafael Municipal Code Chapter 8.13, Noise, for discretionary development projects that are subject to CEQA the City shall amend Program N-1.9B (Construction Noise) as follows:</p> <ul style="list-style-type: none"> <p>Modified Program: Construction Best Management Practices. The City shall establish a list of construction best management practices to be implemented during the construction phase and incorporated into San Rafael Municipal Code Chapter 8.13, Noise. The City of San Rafael Building</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Division shall verify that construction best management practices, as appropriate, are on the demolition, grading, and construction plans prior to issuance of demolition, grading and/or building permits.</p>					
<p>Mitigation Measure NOISE-2a: To ensure receptors, both buildings and people, that are sensitive to vibration from construction noise are not exposed to unacceptable vibration levels from discretionary development projects that are subject to CEQA the City shall revise General Plan Program N-1.11A (Vibration-Related Conditions of Approval) to support Policy N-1.11 (Vibration) be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> ▪ Modified Program N-1.11A: Construction Vibration-Related Conditions of Approval. Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various types of buildings be applied to reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as older or historically significant buildings and structures, housing, and schools. If vibration levels exceed the FTA limits, the condition of approval shall identify alternative uses, such as drilling piles instead of pile driving and static rollers instead of vibratory rollers. Construction vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
<p>Mitigation Measure NOISE-2b: To ensure receptors that are sensitive to operational vibration from commercial or industrial uses are not exposed to unacceptable vibration levels from discretionary development projects that are subject to CEQA the City shall, shall adopt the following General Plan Program to support Policy N-1.11 (Vibration) be implemented as part of the project approval process:</p> <ul style="list-style-type: none"> ▪ New Program: Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration from commercial or industrial uses to reduce long-term vibration impacts at existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences. Operational vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once

MITIGATION MONITORING OR REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
TRANSPORTATION					
<p>Mitigation Measure TRAN-1a: To reduce vehicle miles traveled the City shall modify Program M-3.3A (TDM Program Guidelines) to support achievement of the VMT reduction Standard:</p> <ul style="list-style-type: none"> <p>Modified Program 3-3A: Update Trip Reduction Ordinance. The City of San Rafael shall modify the Trip Reduction Ordinance (TRO) to reflect General Plan 2040 Policy M-3.1 and focus on VMT reduction measures. The amended TRO shall include the City’s VMT reduction thresholds, VMT reduction measures and program guidelines, and a VMT trip reduction monitoring process. The TRO shall be updated a minimum of every five years to reflect changes in baseline VMT values, VMT thresholds, VMT reduction measures, and the monitoring process. The modified TRO shall reflect the process and methodology for conducting the VMT analysis for development projects as described in the City’s Transportation Analysis (TA) Guidelines.</p> 	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
Mitigation Measure TRAN-1b: Implement Mitigation Measure TRAN-1a.	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once
Mitigation Measure TRANS-6: Implement Mitigation Measure TRAN-1a.	City of San Rafael	Prior to adoption of General Plan 2040	City of San Rafael Community Development Department	Project approval	Once



Prepared by



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Berkeley, California 94704
510.848.3815

www.placeworks.com

**APPENDIX J:
COMMENT LETTERS**

.....

From: [Meng Heu](#)
To: [Torina Wilson](#)
Subject: SCH Number 2019039167
Date: Thursday, January 7, 2021 10:51:38 AM

Your project is published and the review period has begun. Please use the “navigation” and select “published document” to view your project with attachments on CEQAnet.

Closing Letters: The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.

GOV1-1

Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your “Lead Agency”
 - If filtering by “Lead Agency”
 - Select the correct project
 - Only State Agency comments will be available in the “attachments” section: **bold and highlighted**

Thank you for using CEQA Submit.

Meng Heu

Office of Planning and Research (OPR)
State Clearing House

To view your submission, use the following link.

<https://ceqasubmit.opr.ca.gov/Document/Index/250148/3>

David Davenport <DDavenport@goldengate.org>
Mon 1/11/2021 4:05 PM

Dear Mr. Miller:

The Golden Gate Bridge, Highway and Transportation District (District) operates Golden Gate Transit bus service on streets that will be affected by the proposed Downtown Precise Plan. The District also operates some Marin Transit bus service as one of that agency's contractors. All this service operates to/from the District-owned C. Paul Bettini Transit Center on the block bounded by Second and Third Streets, and Tamalpais Avenue and Hetherton Street. District staff reviewed the plan and offers the following comments:

GOV2-1

- Figure 6.23 should be updated as follows:
 - A high frequency bus route should be marked along the following street segments:
 - Tamalpais Avenue between Second and Third Streets
 - Second and Third Streets between Tamalpais Avenue and Hetherton Street, and between Irwin Street and Grand Avenue
 - Grand Avenue south of Third Street
 - A moderate frequency bus route should be marked along Third Street from Tamalpais Avenue to Cijos Street and along Cijos Street from Third Street to Fourth Street. This routing operates in the westbound/northbound direction and is a companion to the eastbound route already depicted on Fourth Street between Cijos and Hetherton Streets.
 - A low frequency bus route should be removed from C Street, and added to Lincoln Avenue south of Second Street.

GOV2-2

- The street transformations for Fourth Street (between H and E Streets, between E Street and Tamalpais Avenue, and between Tamalpais Avenue and Hetherton Street) propose travel lane widths of less than 12 feet. While this is sufficient for streets with two travel lanes in the same direction, lanes widths should be 12 feet on bi-directional two-lane streets that have bus service.

GOV2-3

- A project to replace the transit center is currently undergoing environmental review. Depending upon where a future facility is sited, the need for 12-foot travel lanes may also apply to the segment of Fourth Street between Irwin Street and Grand Avenue. In addition, while existing bus service operates only in the eastbound direction of Fourth Street between Cijos and Hetherton Streets, this service may become bi-directional as part of a relocation.

GOV2-4

Please feel free to contact me if you have any questions about these comments.

Thank you,

David Davenport

David Davenport
Senior Planner
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94901
415-257-4546
ddavenport@goldengate.org

San Rafael General Plan 2040 Draft - Comments from TAM

Derek McGill <DMcGill@tam.ca.gov>

Wed 3/3/2021 2:42 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Cc: Paul Jensen <Paul.Jensen@cityofsanrafael.org>; Anne Richman <ARichman@tam.ca.gov>

Dear Barry Miller,

TAM would like to congratulate the City of San Rafael on the completion of the public draft of its General Plan update. The City of San Rafael General Plan shows leadership and vision in addressing today's most critical transportation planning challenges. TAM is especially supportive of the focus given to identification of the transportation investments in the plan, including the 101/580 Direct Connector project led by TAM, and transportation investments supported by Local Transportation Sales Tax measures, including Measure A and its 2018 renewal Measure AA.

GOV3
-1

Within the general plan and its accompanying draft Environmental Impact Report, the city has taken progressive steps towards addressing how to assess transportation impacts in alignment with SB 743. TAM supports these efforts and the process laid out in the general plan. TAM in our role as congestion management agency for Marin County, continues to be responsible for preparing a congestion management program responsible for assessing regional traffic impacts from local developments and land use plans. TAM assists local jurisdictions in developing methodologies to assess the performance of the transportation network and is appreciative of the city's effort on coordination of transportation planning efforts with TAM. The most recent copy of this report, and TAMs approach to implementing the CMP is available on our website here:

<https://www.tam.ca.gov/congestion-management-program/>.

As a number of transportation impacts in the DEIR are identified as significant and unavoidable, TAM recognizes that mitigations to these transportation impacts rely on coordination and implementation of policies, plans and programs to address these impacts. TAM is encouraged by the mitigation measures identified in the DEIR, and where partnership with TAM programs such as safe routes to schools or transportation demand management programs (including green commute programs such as marincommutes, bikeshare and first-last mile programs) can be strengthened with supportive policies and ordinances, TAM is pleased to coordinate and support these efforts where feasible.

GOV3
-2

Additionally, with changes to transportation analysis under SB 743, TAM recognizes that the CMP is no longer required to be considered as part of the transportation analysis in the DEIR, resulting in inconsistencies placed on local agencies in addressing LOS and VMT in transportation planning. However, as locally adopted plan, an assessment of the consistency of the CMP should be included in the DEIR and General Plan, potentially as part of its analysis for consistency with local plans. Since segments of local arterials in San Rafael are identified as part of the CMP network, the provisions of the CMP apply to these roadways. To the extent feasible, the GP/DEIR should reflect the CMP network that exists within the city, and the current and future projected LOS on these roadways to ensure consistency with the CMP will occur in the current condition and future buildout of the plan. TAM would be happy to coordinate further on the methodology and process for completing this assessment should the city need any assistance in doing so.

GOV3
-3

If you have any questions or concerns related to these comments, please contact TAM's planning manager, Derek McGill at the contact below.

Regards,

Derek McGill, AICP

Planning Manager

Transportation Authority of Marin

dmcgill@tam.ca.gov

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

TTY 711

www.dot.ca.gov

Public Comment GOV-4



Making Conservation
a California Way of Life.

Governor's Office of Planning & Research

Mar 09 2021**STATE CLEARINGHOUSE**

March 9, 2021

SCH #: 2019039167

GTS #: 04-MRN-2019-00195

GTS ID: 15131

Co/Rt/Pm: MRN/101/VAR

Barry Miller, Project Manager
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

**Re: City of San Rafael General Plan 2040 and Downtown Precise Plan – Draft
Environmental Impact Report (DEIR)**

Dear Barry Miller:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the January 2021 DEIR.

Project Understanding

The city of San Rafael has prepared a Draft General Plan 2040 to guide land use and development, and a Draft Downtown Precise Plan has been prepared to revitalize and enhance the Downtown Area. Development under the proposed General Plan 2040 would consist of up to 2,260 new residential units, 5,340 residents, and 2,095 employees. Development under the proposed Downtown Precise Plan would consist of up to 2,200 new residential units, 3,570 residents, and 2,020 employees. The city of San Rafael is bisected by US-101 in the north-south direction and Interstate (I)-580 in the east-west direction.

Travel Impact Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans uses Vehicle Miles Traveled (VMT) to assess Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide.

GOV4-1

Based on the DEIR, the implementation of the proposed project would result in a significant land use VMT impact for total VMT and work VMT due to forecast land use growth through 2040. Caltrans commends Mitigation Measures TRAN-1a and TRAN-1b to reduce VMT. However, the effectiveness of VMT reductions strategies is not certain and the programmatic nature of the project may limit the availability of additional mitigation measures. Therefore, the VMT impact remains significant and unavoidable even with the implementation of mitigation measures TRAN-1a and TRAN-1b.

GOV4-2

It is worth mentioning that the DEIR also proposes Alternative B: Greater Residential Growth, which would yield more residential units, but the total VMT Per Service Population and work VMT Per Employee under Alternative B would be less than the proposed project. Caltrans encourages the Lead Agency to provide more information regarding how the proposed project is preferred over Alternative B.

GOV4-3

Lead Agency

As the Lead Agency, the City of San Rafael is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

GOV4-4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

RE: City of San Rafael General Plan & Downtown Precise Plan Draft EIR - Extension Request

Culpepper, Amanda(Mandy)@Wildlife <Amanda.Culpepper@Wildlife.ca.gov>

Tue 3/9/2021 4:54 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Cc: Alicia Giudice <Alicia.Giudice@cityofsanrafael.org>

Hi Barry,

Thank you, I appreciate the extension to March 12, we should be able to meet that deadline.

The informal comments (not yet approved by my Regional Manager) are as follows:

1. We recommend you include a tiering checklist for later projects that may rely on the General Plan EIR as a Program EIR. This could be similar to the checklist for infill projects in the CEQA Guidelines [Appendix N](#). This will help clarify when a project would require an additional CEQA document.
2. We recommend you include Sacramento River winter-run Chinook salmon (*Oncorhynchus. tshawytscha*, pop. 7), CESA and federally listed as endangered, in your list of special-status species and generally limit any in-water work in the SF Bay so that it avoids the migration season (Nov. 1 to June 30)
3. We recommend you include Pacific herring (*Culpea pallasii*) in your list of special-status species as they are commercially, ecologically, and recreationally valuable and they spawn in SF Bay. Limit any in-water work in the SF Bay so that is avoids the spawning season (December 1 to March 31).
4. We recommend updating the policies/Mitigation Measures to include anthropogenic habitat in addition to "natural" habitat. Special-status species, particularly bats, can roost in human-made structures such as buildings, bridges, and culverts. Human-altered habitat (i.e., not necessarily natural) can also provide habitat for species, including ornamental trees used by nesting birds or road-side ditches used by frogs, etc.
5. We recommend including a 500-foot buffer around project sites for pre-construction nesting bird surveys to account for disturbance impacts to nesting birds.
6. We recommend that pre-construction nesting bird surveys occur no more than seven days prior to project implementation.
7. We recommend revising Table 4.4-1 as the totals/sub-totals are mismatched and the percentages add up to greater than 100%.

GOV
5-2

Thank you again for your flexibility in receiving our comments.

Best,

Mandy

Amanda (Mandy) Culpepper
Environmental Scientist | Marin and Solano Counties
California Department of Fish and Wildlife
(707) 428-2075* | amanda.culpepper@wildlife.ca.gov
2825 Cordelia Road, Suite 100, Fairfield, CA 94534

*I am currently working remotely and can be reached most effectively via email

CDFW is transitioning to the Environmental Permit Information Management System (EPIMS), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now only accepts standard and emergency Notifications through EPIMS.** For more information visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

From: Barry Miller <Barry.Miller@cityofsanrafael.org>
Sent: Tuesday, March 9, 2021 11:50 AM
To: Culpepper, Amanda(Mandy)@Wildlife <Amanda.Culpepper@Wildlife.ca.gov>
Cc: Alicia Giudice <Alicia.Giudice@cityofsanrafael.org>
Subject: Fw: City of San Rafael General Plan & Downtown Precise Plan Draft EIR - Extension Request

WARNING: This email originated from outside of CDFW and should be treated with extra caution.

Hi Amanda

Alicia forwarded your message to me, as I'm the project manager on the DEIR. The City is working hard to wrap this project up as soon as possible and intends to start preparing responses to comments before the end of this week. We have already extended the 45-day review to 61 days (i.e., March 9 instead of February 22). We can accept the official signed letter from Fish and Wildlife as late as Friday March 12, but we would like to receive your preliminary draft comments by the end of the day today (March 9) so that we can at least make an initial assessment and assign responsibility for the responses.

Thanks very much-

Barry Miller
Consulting Project Manager
San Rafael General Plan 2040 and Downtown Precise Plan
415.485.3423

From: Alicia Giudice <Alicia.Giudice@cityofsanrafael.org>
Sent: Monday, March 8, 2021 1:31 PM
To: Barry Miller <Barry.Miller@cityofsanrafael.org>
Cc: Paul Jensen <Paul.Jensen@cityofsanrafael.org>
Subject: Fw: City of San Rafael General Plan & Downtown Precise Plan Draft EIR - Extension Request

fyi

From: Culpepper, Amanda(Mandy)@Wildlife <Amanda.Culpepper@Wildlife.ca.gov>
Sent: Monday, March 8, 2021 1:22 PM
To: Alicia Giudice <Alicia.Giudice@cityofsanrafael.org>
Subject: City of San Rafael General Plan & Downtown Precise Plan Draft EIR - Extension Request

Hi Alicia,

I'm getting a CEQA comment letter ready for signature from my Regional Manager and I unfortunately am not sure we'll be able to make the March 9 deadline. Would you be willing to extend the comment deadline for us to March 15?

Thanks so Much,

Mandy

Amanda (Mandy) Culpepper

GOV
5-1



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Public Comment GOV6

March 9, 2021

Governor's Office of Planning & Research

Mar 10 2021

Ms. Alicia Giudice
City of San Rafael
1400 Fifth Avenue
San Rafael, California 94901
Alicia.Giudice@cityofsanrafael.org

STATE CLEARINGHOUSE

Subject: City of San Rafael General Plan 2040 and Downtown Precise Plan, Draft Environmental Impact Report, SCH No. 2019039167, Marin County

Dear Ms. Giudice:

The California Department of Fish and Wildlife (CDFW) reviewed the draft Environmental Impact Report (EIR) provided for the City of San Rafael General Plan 2040 and Downtown Precise Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW is submitting comments on the draft EIR to inform the City of San Rafael (City), as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

GOV
6-1

CDFW ROLE

CDFW is a **Trustee Agency** pursuant to CEQA Guidelines section 15386 and has authority to comment on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION AND LOCATION

Proponent: City of San Rafael

Objective and Location: The Project is an update to the City of San Rafael 2020 General Plan, adopted in 2004, through the year 2040, and the Downtown Precise Plan, which specifically addresses growth and development in downtown San Rafael. The Project location covers the entirety of the City of San Rafael as well as surrounding unincorporated Marin County which could be incorporated into San Rafael within the life of the Project, and nearby portions of San Rafael Bay and San Pablo Bay. Specific

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-2

¹ CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

Ms. Alicia Giudice
City of San Rafael
March 9, 2021
Page 2 of 6

changes to the General Plan include updates to objectives, policies, and programs, and identification of maximum thresholds for land use categories and planned buildout within the Project area by year 2040. Full buildout is projected to include a 15% increase in residential units.

ENVIRONMENTAL SETTING

Located in the City of San Rafael and surrounding areas, the Project area encompasses approximately 25,600 acres. The Project area is bordered by San Pablo Bay and San Rafael Bay to the east, the City of Novato to the north, the City of Larkspur and Town of Ross to the south, and the City of San Anselmo and unincorporated Marin County to the west. The Project area is approximately 39% developed urban core bordered by approximately 55% remaining undeveloped areas including woodlands, forests, grasslands, scrub, and chaparral in the surrounding hillsides and ridges. Riparian woodland remains along some streams and drainages and bay marshland remains on the shoreline of San Pablo Bay and the lower reaches of major streams. Sensitive and special-status species have the potential to occur within the Project area and in adjacent areas where they could be impacted, including but not necessarily limited to special-status native plants, fish, and wildlife.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Tiering and Subsequent Project Checklist

The draft EIR is identified as a Program EIR that "is not project specific and does not evaluate the impacts of individual projects that may be proposed in the future under the General Plan 2040 and Downtown Precise Plan. However...later activities that are within the scope of the effects examined in the program EIR, may qualify for a streamlined environmental review process or may be exempt from environmental review" (page 1-2). While Program EIRs have a necessarily broad scope, CDFW recommends providing as much additional information related to anticipated types of residential and non-residential development as possible, particularly that may occur in the marine environment near the waterfront [CEQA Guidelines, § 15168, subd. (c)(5)]. Depending on the type of development proposed and the impact to specific habitat, CDFW may have further comments if the draft EIR is recirculated or for future tiered projects to avoid and minimize potential impacts to marine species and habitat.

CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be

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Ms. Alicia Giudice
City of San Rafael
March 9, 2021
Page 3 of 6

feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other Program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

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When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the draft EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the draft EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the draft EIR.

Special-Status Species with the Potential to Occur in the Project Area

CDFW reviewed the list of potential special-status species within the Project area (pages 4.4-9 to 4.4-24 and Appendix E). CDFW recommends including species that are commercially, recreationally, and ecologically significant.

GOV6
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The Project area includes open bay waters home to numerous marine fish species and commercial fisheries, and subsequent projects may involve shoreline development and in-water work which could significantly impact fish species. Some of these fish species are part of culturally and historically important fisheries that CDFW manages¹. Project impacts to these species are potentially significant because they could "interfere substantially with the movement of any native resident or migratory fish or wildlife species...or impede the use of native wildlife nursery sites," but have not been identified in the draft EIR (CEQA Guidelines Appendix G). The draft EIR should identify the

¹ California Department of Fish and Wildlife. May 2019. Draft California Pacific Herring Fishery Management Plan. Fish and Game Commission.
<https://www.nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=169741&inline>

Ms. Alicia Giudice
 City of San Rafael
 March 9, 2021
 Page 4 of 6

species listed below that could be significantly impacted from the Project or future projects that may rely on the draft EIR as a Program EIR, and the identified mitigation measures. If these species are not identified as having the potential to occur in or adjacent to the Project area and be impacted, the draft EIR would not ensure impacts are mitigated to less-than-significant. Therefore, the Project has the potential to significantly impact these species.

1) **Winter-run Chinook salmon** (*Oncorhynchus tshawytscha*, pop. 7). Sacramento River winter-run Chinook salmon is CESA and federally listed as endangered. Additionally, the San Francisco Bay, including the Project area, is identified as critical habitat by the National Marine Fisheries Service. Winter-run Chinook enter the San Francisco Bay for migration upstream from November through June. To avoid potentially significant impacts to winter-run Chinook, CDFW recommends in-water work avoid the migration season, November 1 to June 30.

2) **Pacific herring** (*Culpea pallasii*). Pacific herring is state managed for its commercial, recreational, and ecological value and should be included in the draft EIR. Pacific herring spawn within San Francisco Bay including the Project area during the winter months, approximately from December through March. CDFW has identified San Francisco Bay as sensitive and vital spawning grounds for Pacific herring. To avoid potentially significant impacts to spawning Pacific herring, CDFW recommends avoiding in-water construction near spawning herring and spawning habitat such as eelgrass (*Zostera marina*) and red algae (*Gracilaria* sp.) beds during the spawning season, December 1 to March 31.

If the Project may result in impacts to CESA or federally listed species, the draft EIR should require that a CESA Incidental Take Permit (ITP) and/or federal authorization be obtained prior to the impact.

Mitigation Measures

CDFW recommends the following edits to the proposed Mitigation Measure to avoid potentially significant impacts to nesting birds and special-status species that may be using anthropogenic habitat in the Project area. Proposed deletions are in ~~strikethrough~~ and additions are in ***bold italics***.

Mitigation Measure BIO-1 Surveys for Special-Status Species & Avoidance of Nesting Birds. Require that sites with suitable natural ***or anthropogenic*** habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such surveys shall be conducted by a qualified biologist ***according to CDFW-accepted species-specific protocol-level surveys, as applicable***, and occur prior to development-related vegetation removal or other habitat modifications. Nests of native birds ~~should~~ ***shall*** be avoided in compliance with State and federal regulations. For new

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GOV6
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GOV6
-8

Ms. Alicia Giudice
City of San Rafael
March 9, 2021
Page 5 of 6

development sites where nesting birds may be present, vegetation clearing and construction ~~should~~ **shall** be initiated outside the bird nesting season (~~February 1~~ **March 4** through August 31) or preconstruction surveys ~~shall~~ **should** be conducted by a qualified biologist **within a minimum of 500 feet from the project site and** ~~in advance~~ **of at no more than seven days prior to** any disturbance. If active nests are encountered, appropriate **work avoidance** buffer zones ~~shall~~ **should** be established based on recommendations by the qualified biologist and remain in place until any young birds have successfully left the nest **and are no longer dependent on parental care.**

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EDITORIAL COMMENT

CDFW recommends revising Table 4.4-1 which identifies the estimated vegetation cover in the Project area. The acres of vegetation types do not sum to the total, and the percentages identified sum to greater than 100% (page 4.4-9).

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REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP is warranted if the Project has the potential to result in take of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation, monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

GOV6
-10

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a

GOV
6-11

Ms. Alicia Giudice
City of San Rafael
March 9, 2021
Page 6 of 6

subsurface flow, and floodplains are subject to notification requirements. In that case, CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

GOV6-11
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Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

GOV6-
12

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

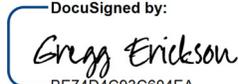
CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Amanda Culpepper, Environmental Scientist, at amanda.culpepper@wildlife.ca.gov; or Ms. Melanie Day, Acting Senior Environmental Scientist (Supervisory), at melanie.day@wildlife.ca.gov.

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6-13

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

ec: State Clearinghouse (SCH No. 2019039167)
Arn Aarreberg, CDFW Marine Region – arn.aarreberg@wildlife.ca.gov

From: [Mikayla Vaba](#)
To: [Torina Wilson](#)
Subject: SCH Number 2019039167
Date: Wednesday, March 10, 2021 3:44:48 PM

Hello,

The State Clearinghouse (SCH) received comments on City of San Rafael General Plan 2040 and Downtown Precise Plan from a state agency after the review period. To view comments on your project, please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your “Lead Agency”
 - If filtering by “Lead Agency”
 - Select the correct project
 - Only State Agency comments will be available in the “attachments” section: **bold and highlighted**

GOV7-1

○
The California Environmental Quality Act (CEQA) does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Should you have any questions or concerns regarding the environmental review process, please contact the SCH at (916) 445-0613 or state.clearinghouse@opr.ca.gov . If your question is regarding the above-named project, please reference the ten-digit SCH number when contacting this office.

Mikayla Vaba

To view your submission, use the following link.
<https://ceqasubmit.opr.ca.gov/Document/Index/250148/3>



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Peter M. Spoerl
peter@rflawllp.com

January 25, 2021

Via E-Mail Only

Honorable Chair and Members of the Planning Commission
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

**Re: Request for Extension of Proposed T4-NO Zoning Boundary in Draft
San Rafael Downtown Precise Plan**

At its January 26th, 2021 meeting, the Planning Commission will hold the second of three scheduled public hearings to receive public comments on and discuss the recommendations of the Draft Downtown San Rafael Precise Plan (“the Draft Plan”). The discussion at the January 26th hearing will focus on the draft Form Based Code as set forth in Chapter 9 of the Draft Plan. We originally sent an earlier version of this letter to Former Planning Manager Raffi Boloyan in August of 2020. We are reforwarding to it to your attention as you discuss the Draft Plan. To the extent that the Draft Plan is a part of the “proposed project” analyzed in the San Rafael General Plan 2040 and Downtown Precise Plan Draft Environmental Impact Report (“the EIR”), the comments made in this letter should also be considered as written comments on the EIR and entered into the administrative record of the consideration of that document as well.

ORG1-1

This office represents Chris Hart, who in August entered into escrow on the purchase of three contiguous parcels located at 4th and Grand in Downtown San Rafael. Under the Draft Plan, two of the parcels in question (450 Fourth Street and 420 Fourth Street) have been proposed for inclusion within the boundaries of the T4-NO zoning district. The third parcel (1010 Grand Avenue) would remain zoned under its current designation as R5. The purpose of this letter is to request, for the reasons set forth in greater detail below, that Planning staff and the City’s elected and appointed officials consider expanding the proposed T4-NO boundary within the proposed Draft Plan and relevant portions of the accompanying form-based code to encompass the 1010 Grand parcel as

ORG1-2



well. This would facilitate a cohesive and unified planning approach that would enable a more holistic and harmonious redevelopment of the three parcels, while still providing for an effective transition and buffer between the proposed development and the adjacent residential Dominican neighborhood.

ORG 1-2
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As reflected in the attached architectural and landscape renderings, our client's vision for the parcel comprises a four-story 28-32 unit rental apartment complex that steps down to effectively and sensitively transition to the adjacent residential neighborhoods to the north and northeast. This concept is fully consistent with the base purpose and objectives of the proposed T4-NO zoning district as well as broader objectives of the Draft Plan. The proposed development focuses development on one of the City's key arterials and nodes, and "promotes a diverse Downtown by increasing access to housing," directly furthering two of the eight overarching design principles identified in Section 3.3, while maintaining appropriate height and form transitions as identified as a desirable objective under Section 4.1. The development would be located one block from a high-frequency transportation corridor (as set forth under Section 6.2), and will represent a priority public realm project within the Draft Plan's proposed Montecito Promenade. Finally, the project will further the stated objectives of Section 8.2, in so far as it will support new infill and transit-oriented development.

Given that the site has now closed escrow and that all three parcels are be under common ownership, we submit that inclusion of the 1010 Grand Property within the proposed T4-NO boundary will help to further stated objectives of the both the broader Draft Plan and the T4-NO zoning district. Including the 1010 Grand parcel within the proposed District will permit our client to treat the three sites cohesively, and to utilize favorable development standards embodies in the proposed form-based code of Chapter 9, including floor area, parking and unit count, while still developing the site in a manner that utilizes the 1010 Grand parcel to buffer and transition to the adjacent residential neighborhood. Moreover, applying consistent zoning to the three parcels will recognize that they are practically connected for purposes of our client's pending development proposal, and would more closely reflect their common ownership. Indeed, our client fully anticipates that parcel and lot merger will be a part of the pending application for the land use entitlements, and making this minor refinement to proposed Draft Plan zoning boundaries will simply remove the likelihood of split zoning on a parcel that has been both marketed and planned as a single entity for planning purposes.

In conclusion, we believe that this modest reconfiguration of the proposed T4-NO boundary to include 1010 Grand Avenue would provide for a more cohesive and superior site and architectural design that will better promote the underlying policy and

ORG1-
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Page 3 of 3

planning objectives set forth under the Draft Plan. We appreciate your attention to this matter.

ORG1-3
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Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Peter M. Spoerl', written in a cursive style.

Peter M. Spoerl

CC: Barry Miller, San Rafael General Plan 2040 Project Manager
Ali Giudice, Planning Manager



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Peter M. Spoerl
peter@rflawllp.com

January 25, 2021

Via E-Mail Only

Honorable Chair and Members of the Planning Commission
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Comments on Draft Downtown Precise Plan and San Rafael General Plan 2040 and Downtown Precise Plan Draft Environmental Impact Report

Honorable Chair and Members of the Planning Commission:

At its January 26th, 2021 meeting, the Planning Commission will hold the second of three scheduled public hearings to receive public comments on and discuss the recommendations of the Draft Downtown San Rafael Precise Plan (“the Draft Plan”). The discussion at the January 26th hearing will focus on the draft Form Based Code as set forth in Chapter 9 of the Draft Plan. This office represents Monahan Pacific, which owns and intends to develop two parcels within the proposed plan area boundary of the Draft Plan (1230/48 5th Avenue, APN 011-300-26 and 1515 4th Street, APN 011-245-26). The purpose of this letter is to provide substantive comments on the Draft Plan and the Regulating Plan set forth under Chapter 9. To the extent that the Draft Plan is a part of the “proposed project” analyzed in the San Rafael General Plan 2040 and Downtown Precise Plan Draft Environmental Impact Report (“the EIR”), the comments made in this letter should also be considered as written comments on the EIR and entered into the administrative record of the consideration of that document as well.

ORG2-1

In summary, we believe that the proposed configuration of form-based zones, and in particular, the building height limitations established under certain of the proposed zones, will frustrate several of the Draft Plan’s stated foundational objectives, in particular the development of housing in the Downtown that will meet a variety of needs and lifestyle choices. The City of San Rafael has spent considerable time and resources in recent years entitling housing projects that for various economic reasons do not

ORG2-2



ultimately get built. The comments within this letter are intended to ensure that the City has the right tools to not only plan for housing, but to see the housing get produced.

ORG2-2
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Discussion

The Draft Plan identifies the creation of new housing inventory and increasing housing diversity as core emphases of the cohesive planning effort for Downtown. It seeks to increase housing in the Downtown in response to the larger Bay Area crisis in available housing, and prioritizes the creation of workforce and affordable housing, clarifying that the Downtown area is “a prime location to deliver much-needed housing at all income levels.” One of the “Key Themes” identified in the Draft Plan is to “[p]romote housing in Downtown to meet as variety of needs and lifestyle choices.”

Our client has developed conceptual plans for both parcels that feature multi-family housing and mixed use development, featuring unit counts between 120 and 140 units. Both projects as proposed would promote a number of objectives identified in the Draft Plan. Both would focus development on the City’s key arterials and nodes, which “promotes a diverse Downtown by increasing access to housing,” directly furthering two of the eight overarching design principles identified in Section 3.1 of the Precise Plan, while maintaining appropriate height and form transitions as identified as a desirable objective under Section 4.1. Both developments would be located in close proximity to a high-frequency transportation corridor (as set forth under Section 6.2), and would further the stated objectives of Section 8.2, in so far as they would support new infill and transit-oriented development.

Residential developers such as our client have an important role to play in furthering the important statewide and San Rafael-specific objective of producing more housing inventory, both affordable and market rate. Put simply, California in general, and San Rafael in particular, are not producing sufficient housing in the right places and at the right affordability levels to accommodate the demographic realities of a rapidly growing population. The actual production of housing inventory falls well short of demand, in many cases because residential developers are uncertain as to what is economically and politically feasible to build. But in order for residential development to partner with local government to provide these much needed units, cities such as San Rafael need to be more sensitive to and realistic about the market, policy and implementation factors that actually inform the dynamic of affordable housing production. Within the context of the Draft Plan, this will require that the City take a more nuanced and flexible approach to the vision of its desired urban form, and suggests that the City should permit higher buildings in appropriate sites directly adjacent to the Downtown core.



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Page 3 of 9

Under the Draft Plan, the 5th Street parcel (APN 011-300-26) is proposed for inclusion within the boundaries of the new T4N 40/50 zone, and the 4th Street parcel (APN 011-245-26) would fall within the T4MS 50/70 zoning district. The former zone would allow for a building height between 40-50 feet, while the latter zone would permit building heights between 50 and 70 feet. In each category, the maximum height allowed by the zone is identified in the Regulating Plan as a suffix to the zone name, with the lower number representing the maximum allowable height without a bonus, and the higher number representing the maximum height with a bonus.

ORG2-2
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As an initial matter, we note that the Draft Plan is unclear on how an applicant may qualify for the height bonus. In previous workshops and during the Planning Commission's previous discussions of the Draft Plan, it has been suggested that "Affordable Housing Projects" would qualify for the height bonus, and Planning staff have confirmed this intent in response to our inquiries. However, "Affordable Housing Project" isn't a defined term in either the Draft Plan or under the existing San Rafael Municipal Code ("SRMC"). Under the SMRC, "affordable housing units" mean dwelling units required to be rented at affordable rates to very-low, low or moderate-income households, or purchased at a sales price affordable to low and moderate-income households. Under the City's Inclusionary Housing Ordinance (codified at SRMC Section 14.16.030), qualifying residential development projects are required to provide between 10-20% affordable housing units at specified affordability levels according to the overall number of housing units provided. However, the City Council has directed its staff to lower the overall requirement for larger scale projects from 20% to 10%, and without a specific incorporation by reference, it's unclear what affordability levels and percentages a project would need to provide under the Draft Plan in order to qualify for a height bonus.

Further confusing matters, footnotes in relevant sections of the Draft Plan direct applicants to SRMC Section 14.19.190 (Height Bonus) to determine requirements for height bonus. That section contains a set of bonuses ranging between six and 24 additional feet for certain identified qualifying projects within Downtown zoning districts. These include "affordable housing," in certain districts, but it's unclear on the face of the text if the bonuses provided for under the SMRC are additive or alternative to the bonuses identified in the Draft Plan's zones. Moreover, the districts identified in that SRMC section do not align with the four subdistricts identified in Figure 2.2.040(A) of the Regulating Plan in the Draft Plan. In short, without a more precise definition of "Affordable Housing Project," and clearer cross references and or amendment of existing height provisions in the SMRC, it's not clear what is required to qualify for a height bonus under the Draft Plan.



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Page 4 of 9

We suggest that in more clearly defining what qualifies as affordable housing for purposes of awarding a height bonus, in addition to clarifying the required qualifying percentages of restricted units in each category, the City may also wish to consider crediting the provision of moderate-income rental housing. Under the State density bonus law, a project that provides at least 10% of the housing units in a for-sale common interest development restricted to moderate income residents is entitled to a density bonus and other incentives and concessions. However, the City here has an opportunity to promote the development of moderate-income rental inventory as well, by qualifying moderate income rental proposals for height bonuses. In a recent published report, the California Department of Housing and Community Development has documented a growing housing cost burden (paying more than 30 percent of income toward housing) among moderate-income households.¹ This highlights the facts that California in general, and San Rafael in particular, need to create housing inventory at all categories, and that the need for “affordable housing” is spreading rapidly to moderate income households. The adoption of this Draft Plan presents an opportunity for the City to expand the recognition and incentivization of production of housing inventory for numerous income levels.

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-2 cont

It is also important that the City, in refining the Draft Plan, give more consideration to how it intends to award residential density bonuses for qualifying projects under California Government Code 65915 *et seq.* The Draft Plan essentially regulates building density by providing for a maximum volume controlled by height, bulk and setback controls. But because there are no numerical controls on maximum floor area ratios, and there is no express limitation on or regulation of base density expressed as a maximum residential gross floor area, there is effectively no base density, and it’s unclear how the City intends to calculate and award mandatory density bonuses to projects meeting affordability thresholds (which, under the City’s existing inclusionary ordinance, would effectively include any residential development project of two or more units). Chapter 7 of the Draft Plan suggests that Projects seeking to apply a bonus under state density bonus law can simply “utilize the resultant FAR of the base zoning envelope... to calculate the additional floor area to be accommodated in the bonus envelope prescribed by the Downtown Code,” which seems to confuse the calculation of a mandatory density bonus under state law with the bonus structure set forth under the Draft Plan. It is critical that the City be more flexible and differentiate between actual site conditions in setting height limitations under the Draft Plan, since an award of additional density will

¹ “California’s Housing Future: Challenges and Opportunities,” California Department of Housing and Community Development, February 2018, pp. 28-29; see https://www.hcd.ca.gov/policy-research/plans-reports/docs/sha_final_combined.pdf



effectively require the City to consider permitting taller buildings in order to physically accommodate higher residential densities.

We also urge the City to consider relaxing its parking requirements, at least for residential developments with an affordability component within the Downtown parking District. Although a majority of the 1230/48 5th Street site falls within the Downtown parking District (as regulated under SMRC Section 14.18.060), and the off-street parking requirement would thus theoretically be waived for up to 1.0 FAR of the total square footage, a project of the height and size proposed by our client would still be required to devote a substantial amount of its square footage to satisfying off-street parking requirements. Parking, especially sub-grade parking, is extremely expensive and can often be cost prohibitive for otherwise viable high density residential development. We note that under State law (pursuant to the Sustainable Communities Strategy, as codified under Public Resources Code Section 21155 *et seq*), eligible projects are entitled to greatly reduced parking ratios for both affordable and market rate units. Although our client is not proposing a project that would satisfy all of the state law requirements to enjoy these ratios as of right, the site (as with the majority of the Downtown parking area) is in fact located within a transit priority area and within ½ mile of a major transit stop (the San Rafael Transit Center). San Rafael here has the opportunity to promote the production of transit-oriented higher density affordable housing by increasing the waiver of parking requirements to a higher FAR, which would lower construction costs while recognizing the proximity of these projects to public transportation and the walkable Downtown core. At a minimum, the City should consider exempting required parking areas from height and bulk calculations within the Form Based typology.

The City Should Permit Taller Construction in Appropriate Sites within Moderate Intensity T4 Neighborhoods

The Draft Plan is organized around the general organizing principle of the Natural to Urban Transect, establishing a hierarchy of places moving from the most natural to the most urban. As applied to San Rafael, this conceptual framework creates transect zones according to walkable context types, essentially creating a tiered spectrum of building intensity bands from urban to less urban, as one moves north and south from the primary density and height axis of Fourth Street. This framework assumes a flat map and does not adequately consider the topography or the existing urban and physical setting, and results in missed opportunities for appropriately sited higher and denser construction immediately to the north of the Downtown core. The Draft Plan would benefit from a more nuanced view of appropriate height and massing as the grade slopes to the north along Fifth Street by creating an exemption for the calculation of building height for cross slopes that exceed a 20 foot rise to run..

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The City currently has a shortage of larger sites appropriate to higher density multi-unit development. Our client's parcel at 1230/48 represents one of the few remaining sites of at least 25,000 square feet. 1248 Fifth Avenue is a "street to street" lot and with a rise-to-run cross slope along C Street of approximately 20 feet. As noted, these larger sites are few and far between and offer an opportunity to build housing projects of a significant size (over 100 units), which, under the requirements of the City's inclusionary ordinance, are at the same time an opportunity to actually provide income restricted affordable inventory at scale and satisfy the City's Regional Housing Needs Allocation as determined by ABAG.

The development of these larger "block to block" sites is different than smaller "infill sites," as the larger sites generally require underground (or partially underground) parking which, as noted above, is very expensive to build. Depending on the site, structured parking can run \$75 to \$100K thousand dollars per car, adding significant cost to a project.

On steeper hillsides such as our client's 1230 Fifth Street parcel, height limitations such as the 40/50 split proposed ignore the challenges of sloped construction, and of reconciling the form based limitations with the actual topographical realities of such sites. The Draft Plan should account for sloped conditions, and grant additional height waivers exceptions for "block to block" projects and sites that have significant cross slopes of more than 10 feet when measuring height. The current code (as set forth under the zoning definitions for "height, hillside" and "height, non-hillside" under SMRC Section 14.03.030) does not adequately account for these conditions, and the Draft Plan essentially penalizes these sites and further reduces an already unrealistically low height limitation. By way of illustration, a building under the proposed T4N 40/50 zone in the Draft Plan fronting on Fifth allowed to be 40 feet in base height would in fact be only 20 feet tall on Mission Street due to the 20 feet of cross slope on C St, but the code would make no allowances for the actual stepping back and reduced visual impact of the relative heights of the roof elements.

Put simply, the proposed 40/50 foot height limitations for the T4N zone along Fifth Street under the Draft Plan are inconsistent with the economic realities of what is required to produce the very housing that is being prioritized as a goal of the Draft Plan. Unfortunately, the proposed building heights for the T4N 40/50 make larger scale housing projects economically unviable. We have attached a printout of an Excel spreadsheet that provides a rough analysis and illustration of how the various fixed costs of development interact with allowable building heights, clearly demonstrating the correlation between higher densities and lower per unit costs. In order to be

ORG2-
2 cont



economically viable, developers typically amortize the high costs of land, parking, permit/fees, construction and financing over a larger number of units thereby reducing the average cost per unit (and accounting for the reduced profitability that is a consequence of compliance with the City's inclusionary ordinance). In order to increase density, a developer must also increase height. Accordingly, in order to actually produce these types of higher density higher unit count projects, developers need more room to build up.

ORG2-2
cont

To be clear, however, the additional height that is required need not result in skyscrapers in San Rafael. We suggest that, at least at the 1230/48 5th Street address, the City should increase the maximum bonus height to be consistent with the directly adjacent T4MS 60/80 zone (or even the T5N 50/70), which would allow for high density residential development at a scale fully appropriate to the neighborhood and topographical context. Existing buildings fronting on Fifth Ave from Court Street to C Street (and buildings that are currently under construction) are already scaled to support new construction of up to at least 70 feet. The site is ideally situated to provide needed housing at numerous income levels to support adjacent civic uses (the City's new Public Safety building, for example, would be directly across the street, making this site ideal housing for City employees). We further note that allowing this height along 5th Avenue, at least between B and E Streets, does not threaten any sort of abrupt transition to adjacent residential uses, as adjacent properties and existing uses along Mission Avenue are limited to the Elks Lodge (which is already well screened and set back from potential development) and recreational uses at Boyd Memorial Park.

Conclusion

In summary, we ask that the Planning Commission consider the points raised in this letter, and forward appropriate recommendations for clarification and amendment to the City Council. In summary, we recommend that the City:

- Clarify more precisely what is required to obtain a height bonus within all of the Draft Plan's zones, and consider qualifying the inclusion of projects including some level of moderate income rental housing
- Clarify how density bonus eligible projects will be processed
- Relax parking requirements for affordable housing projects within the Plan Area, at a minimum exempting required parking areas from height and bulk calculations; and
- Allow for higher maximum building heights along 5th Street between B and E Streets, reclassifying the zones as either T5N 40/60 or T4MS 50/70.

ORG2-
3



Ragghianti|Freitas LLP

Page 8 of 9

We appreciate your attention to this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Peter M. Spoerl'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Peter M. Spoerl

CC: Barry Miller, San Rafael General Plan 2040 Project Manager
Ali Giudice, Planning Manager

Attachment follows



JANUARY 2021

SAN RAFAEL HOUSING DEVELOPMENT COST ANALYSIS

	COST	80 UNITS	100 UNITS	120 UNITS
LAND	\$8,000,000	\$100K/UNIT	\$80K/UNIT	\$66K/UNIT
PARKING GARAGE	\$8,000,000	\$100K/UNIT	\$80K/UNIT	\$66K/UNIT
SOFT COSTS	\$10,000,000	\$125K/UNIT	\$100K/UNIT	\$84K/UNIT
CONSTRUCTION	\$40,000,000	\$500K/UNIT	\$400K/UNIT	\$333K/UNIT
OVERHEAD/PROFIT	\$14,000,000	\$175K/UNIT	140K/UNIT	\$116K/UNIT
TOTAL COST	\$80,000,000	\$1,000,000/UNIT	\$800,000/UNIT	\$666,000/UNIT

1. DEVELOPMENT COST DIVIDED BY NUMBER OF UNITS
2. HIGHER DENSITY RESULTS IN LOWER COST PER UNIT
3. LOWER COST PER UNIT IS FINANCEABLE
4. HIGHER COST PER UNIT EXCEED MARKET VALUES AND NOT FINANCEABLE
5. HIGHER DENSITIES REQUIRE ADDITIONAL HEIGHT LIMITS

SAN RAFAEL HERITAGE

P.O. BOX 150665, SAN RAFAEL, CALIFORNIA 94915



March 5, 2021

Barry Miller, Consulting Project Manager
San Rafael Community Development Department

Subject: San Rafael Heritage Comments and Recommendations
General Plan 2040 (GP2040)/Downtown Precise Plan (DTPP)/Draft Environmental Impact Report (DEIR)

Dear Barry,

San Rafael Heritage (SRH) is gratified for the opportunity to offer our comments and recommendations regarding the DEIR. The spirit of this letter is to promote the interests of the broader San Rafael community. We support the city's focus on providing clarity in regulations, the entitlement processes and actions for historic resources, providing incentives for their preservation and continued use, elevating preservation as an urban design and placemaking tool, recognizing its place in supporting a shared collective memory and improving the quality of life for residents and visitors.

We have not attempted to proofread the document and make specific text recommendations, choosing instead to rely on you, planning staff, the consultant team and the city's elected and appointed decisionmakers to take our thoughts into consideration and modify the DTPP, GP2040 and DEIR as is deemed appropriate. Under separate cover Leslie Simons will offer specific recommendations.

While there are as many policy and regulatory approaches to historic preservation as there are different governing authorities, we are most familiar with Redwood City's (RWC) experience. As such, it provides a basis for a number of our observations and recommendations.

SRH intends to be a partner with the City and other stakeholders to promote historic preservation and achieve recognition of it as a key part of San Rafael's genetic make-up. To achieve this, we will need to build local multigenerational and ethnic affinity, capacity and knowledge in historic preservation. Committed actions by the City and the preservation community are required.

There is a high probability we may have missed key policy and action language elsewhere in the GP2040, DTPP, and the DEIR. For this we seek your indulgence.

This letter is organized around several key themes. Our objective is to have the narrative and recommendations below considered in the context of the DEIR, as they may influence its content and mitigations.

As a volunteer organization, we rely on the efforts of our members and have limited capacity. We intend to continue to provide as timely input as possible on the inventory, rating of resources, input on the areas in the DTPP that were not surveyed due to limitations on time and resources and provide recommendations for refinement of the proposed district boundaries. SRH proposes to continue this work as the Planning Commission reviews and acts on the DEIR and prior to consideration of the GP2040, DTPP and DEIR by the City Council. We intend to adhere to the schedule discussed on our meeting with you on March 1, 2021.

A. Historic Resource Inventory and Rating of Resources

SRH has been working with city staff and the consultant team to provide a local perspective and knowledge on the Historic Resource Inventory (HRI). We participated in the 2019-2020 field survey conducted in much of the DTPP geographic area with Garavaglia and Associates. Subsequently we have been working with you and Renee Nickenig to reconcile the 1978 inventory and its 1986 administrative update with the 2020 Inventory and provide input for the Context Statement.

In general, we concur with most of the 2020 inventory, however, our findings include some recommendations for additions and deletions and the modification of some ratings. We will also provide some recommendations for small adjustments to the proposed historic district boundaries (to be included in a subsequent letter) and inclusion of the rating of each resource in the inventory spreadsheet provided separately by Leslie Simons.

Recommendations:

1. Refer to the specific recommendations for the HRI noted in a letter and spreadsheet to be provided separately by Leslie Simons.

PUB3-1

ORG3-2

2. Provide a process to improve the rating of resources and a path to landmark designation for actions by landowners to restore and rehabilitate them.

This provides parcel owners a choice of action. The objective is to allow access to incentives afforded by local landmark designation, and state or federal listing where possible. The urban design objective is to improve streetscapes through enhancement of what might not be considered landmark worthy or a contributing resource without restoration and other improvements.

A good example of this is the MMWD Building at 874 4th St. The project scope could include removal of the storefront addition in front of the building, creation of a private plaza in its place, restoration of the building façade and transfer of height and bulk to the rear of the site. This would result in a currently “E” rated resource receiving an A or B rating benefiting from incentives associated with local landmark designation and the public benefit of an improved streetscape. Landowner incentives may include, but not limited to, federal tax credits, application of the historic building code, and reduction of local property taxes associated with a Mills Act Contracts and façade easements.

3. Provide an example of an existing block form building on 4th Street before and after restoration of the façade to illustrate the action noted in #2 above. Commonly original storefront transoms and architectural features are concealed behind a more recent remodel. Those features and fenestration that have been removed or altered can be restored. Where insufficient information exists on the historic façade, correct period improvements may be utilized under the guidance of a qualified preservation specialist.
4. Conduct an additional priority review of selected areas not surveyed during the 2019 field work to identify highly rated (A-C) resources (Refer to DEIR pg. 4.6.16 Figure 4.5-2).

It appears the area south of 2nd Street has one potential resource: Albert Field. The Montecito Shopping Center Area has no potential landmark or contributing resources and the parcels on the north side of 4th between Mary, Mission and Union appear to have no resources. The Latham Street area may ultimately qualify as a historic district, will not be subject to DTPP related zoning changes and can be included in a future survey update.

The properties along 5th Avenue starting at Cijos and extending to the western and northern boundaries of the DTPP, and those on either side of Irwin in the vicinity of 5th and Mission are recommended for priority review to identify resources to be considered in the DEIR. If sufficient resources or time aren't available, SRH recommends prioritizing these areas for the next update. SRH is available to assist in this process.

5. Modify the maps and inventory lists to conform to the revised inventory and ratings. For example, on Figure 4-1 (page 4-4) the resource shown on the northwest corner of 4th and E Streets should only include the former automobile dealership on the corner. The adjacent buildings on both 4th and E should not be indicated as potential landmarks or contributing resources. Please refer to the material attached to Leslie Simons' letter to be sent later by March 15th.
6. All graphics relating to the historic core should be modified. An example is Figure1-1, page 1-5. Please refer to the letter from Leslie Simons for clarification.

B. Development Standards

When crafting development standards including the form-based code, consideration is given to achieving the development goals set out for the DTPP including but not limited to the preservation and enhancement of historic resources. The objective is to set the right balance between historic preservation priorities and providing sufficient flexibility and incentive for project proponents to facilitate the implementation of the DTPP. Making the review process ministerial rather than discretionary whenever possible reduces uncertainty and approval time.

Recommendation

1. Provide prescriptive requirements to maintain landmark status for resources subject to significant modification. In RWC's case, for what are termed as block form buildings in the San Rafael DTPP, this typically includes façade restoration and maintenance of 75% of the original exterior walls of the resource. This includes original walls retained below new construction and doesn't preclude air rights development conforming with the form-based code over block form resources (typically a specific setback dimension for the new construction from the resource's street façade).
2. Clarify the definition of development adjacent to a resource. This is subject to interpretation and is conditioned upon the motivations of the policy makers including the desire to provide incentives for change consistent with the DTPP. RWC limits adjacency to improvements on the resource parcel itself

ORG3-2
cont

ORG3-3

and parcels located within a designated historic district. RWC's downtown precise plan sets step back requirements on specific streets such as Broadway and Main Street and height limits throughout the plan area. The form-based code standards in the San Rafael DTPP can serve the same function but appear to be overly prescriptive on sites adjoining resources and districts and on sites themselves.

The proposed DTPP form-based code (Code) criteria significantly impact future development adjacent to historic districts and eligible and contributing resources. The Code requires adjacent new construction to step back from property boundaries and have roof forms such as gabled elements in addition to street step backs otherwise required. It also places more restrictive limits on the number of stories that can be added to a resource. The intent is to affect a form and bulk transition between larger buildings and historic resources and/or districts. This has a significant impact on the development potential of adjacent parcels. Affected landowners are likely to strongly object to historic landmark or district designation on a property adjacent to their holdings considering these actions to have a detrimental impact on their property development potential. In addition, this will likely reduce the number of potential sites that can economically accommodate the kind of change anticipated by the DTPP and the City Council.

There are potential advantages and disadvantages to the Code as currently written. On the plus side the code recognizes a desire to transition from larger new buildings to smaller historic resources and districts. On the minus side, in addition to objections by adjacent landowners, it may also adversely affect the City Council's motivations to landmark properties and districts and support incentives for preservation.

The RWC approach relies on a balance by applying step backs along streets regardless of the presence of historic resources and has no step back or other form limitations on property boundaries adjacent to individual resources or districts other than the height limits set out by its code.

RWC has been successful in motivating landowners to designate their buildings as landmarks and agree to inclusion of their properties in historic districts. This has resulted in restoration of many facades in the downtown area and virtually no resistance by adjacent landowners to district or individual landmark designations. Preservation has consistent support by the City Council and is recognized as a mitigation to the growth and change that has occurred in their downtown.

It should be noted there are some conditions where a modern multi story office building or residential block has been constructed next to a small scaled historic resource (such as a 19th century wood frame residence). In other words: There are tradeoffs. However, the robust economic conditions of the Silicon Valley combined with a significant number of new apartment and office buildings activated downtown streets and supported new businesses. This new vibrancy is sufficient to justify the rents required to cover the high and unpredictable costs of restoring and repurposing historic buildings. Achieving preservation goals is tied to the success of the DTPP in attracting new growth and associated economic activity.

3. Apply RWC's DTPP development standards regarding historic resources, including adjacency and on-site improvements. RWC's Historic Resource Advisory Committee (RWC HRAC) applies the following standard: If a proposed improvement does not render a resource ineligible for National Register listing it's permissible. In addition, the RWC HRAC takes into consideration the evolving context around a resource. For example, the context at the time a resource was constructed may be considerably different than what now exists or what is anticipated by the DTPP. A modest scale wood frame residence (house form) may be a remnant of the small-town context that existed in the 19th century but is not reflective of its current 21st century urban context.

C. Adjustments to Historic Districts Boundaries

SRH observed that the proposed district boundaries in the DTPP extend beyond areas with a cohesive context and seem to be configured to reach out to individual resources. We recommend the district boundaries be revised to conform to areas with an intact context. Mitigations measures regarding individual eligible and contributing resources are adequately addressed in the DEIR without inclusion in a district.

Historic district boundaries should be established to maintain and emulate the traditional main street character of 4th and B streets, with buildings fronting directly on the sidewalk and a variety of period examples of architecture with different heights from the mid 19th century to present. We recommend focusing the proposed districts on those streets. The Latham Street neighborhood also has an intact context and may be considered for designation as a historic district in the future. SRH also notes there are no specific actions, procedures or timetables identified to establish historic districts and would like to see this addressed.

Recommendations

1. **West Downtown Core District:** Include only the parcels on both sides of 4th Street from the two parcels on the west side of E Street (the former automobile dealership at 1504 4th and parcel on the south side of the street) to A Street. Regarding B Street: Include the parcels on both sides of B Street from 4th street to south of 2nd street including the Cosmopolitan Hotel, 747 B Street and the resources on either side of the former railroad right of way on the east side at 720 B Street.
2. **East Downtown Core District:** Include parcels along 4th Street from the west as shown on figure 4.5-4 to Tamalpias Avenue including the NWP Depot Building at 930 Tamalpias.
3. **West End District:** SHR recommends identification of a potential West End District including the parcels along 4th Street from E Street to H Street (including 1 H Street, the Pacific Telephone & Telegraph building).
4. We recommend the DTPP clarify the district designation process and a proposed timetable.

ORG3-4
cont

D. Composition of the Historic Resources Advisory Committee

The composition of a Historic Resource Advisory Committee (HRAC) is a reflection of the policy objectives of the City. As currently proposed, the committee would have a member of the Planning Commission, member of the Design Review Board and a community member appointed by the Planning Commission. Qualifications of the members is intended to reflect a broad knowledge in areas such as construction and downtown business concerns but surprisingly doesn't speak to its core historic preservation function. This may be reflective of a desire to protect the interests of property owners, a laudable objective, but not reflective of the committee's core responsibilities.

ORG3-5

One of our steering committee members, Jeff Rhoads, served on the RWC HRAC for four years and shared his observations with SRH. A key principle that has evolved over the approximately 40 years of the RWC HRAC's function has been a narrow focus on historic preservation as defined by the municipal code and the DTPP; mission creep is avoided. Land use and design matters are left to others such as the Design Review Commission, Planning Commission and ultimately the City Council.

The key requirement for RWC-HRAC members is a commitment to historic preservation. Other factors are considered by the Planning Commission, when it appoints new members, include knowledge of architecture, construction, real estate development economics, experience and interest in research, knowledge of local history and historic resources, and representation of the city's different socioeconomic and ethnic communities.

Until recently a Planning Commissioner served on the RWC HRAC; this was discontinued. The City Attorney's office was concerned about the perception of lack of independence on RWC HRAC findings and deference to the Planning Commissioner by other committee members. In addition, serving on the RWC HRAC added to the Planning Commissioner's workload. The RWC HRAC was initially a full commission with seven members but was reduced to a five-member committee in the interest of efficiency and cost control considerations.

A key function of the RWC HRAC has been to build local capacity in historic preservation. Committee members organize and support activities such as annual school children tours of historic sites and the downtown history walk (note Guiding Policy 6F of the San Rafael DTPP pg. 4.5-40). They are community advocates for preservation, conduct research, attend seminars and tours on best practices and work with staff on potential designations of sites and districts. They make recommendations on applications for landmark and district designations and the terms of Mills Act contracts. Commonly landmark applications and Mills Act contracts are processed concurrently at the request of applicants who seek the incentives offered by tax credits and the Mills Act. The RWC-HRAC reviews development applications and renders recommendations within the confines of their clearly defined responsibilities to preserve and enhance the standing of city's historic resources They provide an independent voice for preservation to the Planning Commission, and when tasked, to the City Council.

Recommendations

1. SRH recommends formation of a San Rafael HRAC with five members appointed by the Planning Commission based on the RWC model. We recommend assignment of a member of the Community Development staff with professional knowledge in preservation to act as the general liaison preparing the agenda and staff reports. Staff planners assigned to specific projects would be responsible for the project staff report and presentation to the HRAC.
2. In recognition of funding limitations SRH recommends using preservation mitigation fee exactions for support of historic preservation activities such as but not limited to, regular updates to the historic resources inventory, staff support for a HRAC, funding landmark designations, and interpretive signage.

E. Context Statement

Our Steering Committee member, Jeff Rhoads, submitted some previous recommendations for inclusion in the Context Statement. We note that some these recommendations have been included in the updated Context Statement included in DEIR Cultural Resources Data, Appendix F. Additional comments regarding specific facts and references will be submitted separately by Leslie Simons.

ORG3-6

Recommendations

1. Include a concise summary statement in the Context Statement and DTPP policy. SRH has observed a key contextual defining characteristic of Downtown San Rafael: 4th Street and B Street are unusually intact examples of a prosperous small American main street. They exhibit good quality representative buildings from each stylistic period from the mid 19th century through the present. This context includes street walls with few interruptions such as parking lots and driveways. These urban design characteristics shall inform future development downtown. In addition to preserving and restoring landmark and contributory building facades to their period of construction, future interruptions to the street wall must be carefully considered and new construction should reflect its period in time while respecting the existing historic scale and context.
2. Review and incorporate Leslie Simons' comments under separate cover.

F. Certified Local Government Status

The National Park Service State Office program for Certified Local Governments in Historic Preservation (CLG) is administered by State Historic Preservation Offices. This program allows CLGs to apply for federal and state grants and is a prestigious designation.

A CLG must meet the following minimum goals:

- Establish a qualified historic preservation commission (such as a HRAC)
- Enforce appropriate State or local legislation for the designation and protection of historic properties. In most cases this is done in the form of a local ordinance.
- Maintain a system for the survey and inventory of local historic resources.
- Facilitate public participation in the local preservation, including participation in the National Register listing process.
- Follow additional requirements outlined in the State's CLG Procedures. Each state has Procedures for Certification that may establish additional requirements for becoming a CLG in that State.

ORG3-7

Recommendations:

1. Commit to policies, actions and a timeline to achieve CLG status for San Rafael.
2. Meet the qualification standards for certification.
3. Apply to the State Historic Preservation Office (SHPO) for Certification.

We appreciate the opportunity to participate in this process. SRH is committed to working with the City of San Rafael and other community stakeholders to advocate for historic preservation as an essential part of an authentic, culturally diverse and successful Downtown and greater San Rafael.

ORG3-8

SRH looks forward to being a partner in the City's bright and evolving future.

Sincerely,



Linzy Klumpp, President
San Rafael Heritage

cc: Paul Jensen, Community Development Director
SRH GP2040 Sub-committee



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

March 9, 2021

Barry Miller
barry.miller@cityofsanrafael.org

RE: Comments on San Rafael General Plan 2040 Environmental Impact Report 2040

Dear Mr. Miller:

Thank you for the opportunity to comment on the San Rafael General Plan 2040 Draft EIR. Marin Audubon’s primary focus when reviewing EIRs and projects is on the protection of biological resources. We find that the DEIR Policy and Program protections are mixed, as described below:

ORG
4-1

Many biological resource policies convey strong protections but a number are weakened, or are possibly ineffective, due to the accompanying exceptions. The most frequent exceptions are “not feasible,” and “not practical.” These offer ways for applicants to get out of complying with the policy restrictions. This approach sends a mixed message: that the resources are important and should be protected, but applicants really don’t have to if it is inconvenient or undesirable to do so. The lack of clarity will undoubtedly result in expectations that biological resources can be damaged or destroyed, though the process to get there may be long and one may have to do some mitigation. The underlying message is that the resources are expendable. On the city’s side, the extended approval process is time consuming, expensive if not fully paid for by the applicant, and a burden on public resources. Even requirements for mitigation are qualified. One of the conditions allowing for waiver of wetland mitigation is that the city likes the project.

ORG4
-2

The biological resources the policies should be protecting - the trees, wetlands, streams and other native vegetation – are essential for wildlife and for human survival. They provide us with clean air, clean water, stable streambanks and hillsides, aesthetic and recreational enjoyment, and carbon sequestration. They are essential for wildlife and for people.

ORG
4-3

Policies intended to protect the biological resources should be clear and definite – their value is questionable or non-existent if all applicants need to do is to declare compliance is “not practical” or “not feasible.” We recommend that the qualifying provisions be deleted from policies. The only exceptions that should be included are for minor losses or impacts that would allow minimal development so that the city avoids a taking of private property, and for small losses necessary for the public safety projects, such as essential flood control.

Many of the proposed biological resource policies are the same as the current General Plan, so there should be history showing how these exceptions have been used during the last 20 years. The EIR should discuss how these exceptions have been interpreted during project reviews, and how they have impacted the biological resources of concern. We note also that during those years, the value of the resources has become more widely

ORG4
-4

values, those benefits are limited compared to the air and water quality, carbon sequestration, aesthetic, water conservation, biodiversity and habitat provided by native trees. The DEIR does not acknowledge the importance of native trees (except oaks), even though a state and federal threatened Northern Spotted Owl nest site is in redwood trees within or near San Rafael's boarder.

ORG4
-4 cont

The current GP has a quite good policy encouraging landscaping with native plants (CON-16). The DEIR should discuss why that policy has not been carried over as many pothor policies have been and recommend retaining the policy in GP 2040.

ORG 4-5

Policy C 1.12B calls for avoiding the loss of habitat as the preferred alternative to the loss of trees. But if the loss is deemed unavoidable, mitigation based on vegetation mass rather than number of trees is called for. Please describe how tree mass is or would be calculated? What are the benefits of calculating tree mass for mitigation instead of a numeric ratio score?

ORG4-6

A mitigation program should also require that any native trees lost be replaced with native trees preferably on-site. Better yet, a preference should be included for replacement of urban-type trees with natives. Program C 1.16 C should be strengthened by changing "Consider ordinances and standards that limit the removal of trees of a certain size and require replacement...." to "Adopt ordinances and standards to protect trees, particularly native trees...."

ORG4-7

Program CDP 3.6A: states "Continue to implement mitigation requirements for tree removal...." " But the requirements are not provided. The city's mitigation requirements for tree impacts should be presented, so the public can evaluate their adequacy, and their effectiveness should be discussed.

ORG4
-8

Also, some non-native trees, notably eucalyptus and acacia, have adverse impacts. They are highly invasive, outcompete native plants, are flammable and provide minimum habitat for wildlife. The DEIR should address the environmental values of native trees, the negative impacts of invasive trees, and recommend planting with natives.

ORG4-
9

We emphasize that the lack of recognition and protections for native trees (except oaks), amounts to a preference for non-natives, and this conflicts with BIO-1 and BIO-2. In particular, a policy protecting redwood trees must be included in the GP because of their essential value to the state and federal threatened Northern Spotted Owl, significant sequestering of carbon and other values.

ORG4
-10

We also note the lack of recognition of native trees in the Climate Change section of the GP. While Table 4.8-6 Sequestration and Adaption section recognizes the importance of trees in improving air quality and sequestering carbon, the value of native trees in these processes is not mentioned. We strongly recommend that native tree species be emphasized in this section.

ORG
4-11

2. Protecting Special Status Species and Wildlife –

Policy C1-13 calls for conserving and protecting special status species but the Programs to carry out the policy only call for surveys to determine the presence or absence of species. What measures are recommended for the city to take to protect the special status species? Programs under Policy 1-13 call for measures intended to protect the special status species, but they are not adequate.

ORG
4-12

Program C 1.13A calls for listing species, C 1.13B calls for surveys when mad where surveys would be taken; and C1.13C addresses mitigation for changing the design of the project or other measures that would avoid the

loss or unavoidable impacts such as design changes, construction and operations changes, or on-site set asides, offsite acquisitions. A policy should state a preference for avoidance measures during and after construction. Although knowing a species is present is certainly an important component that should be included in a policy for protecting a species, however, surveys alone do not protect birds or other wildlife. They should not be considered adequate mitigation. Measures such as changing the project design, so that the impacts are avoided should be stressed. The importance of impact avoidance as well as enhancement/restoration of habitats should be discussed.

ORG4-12 cont

The recommended new Program to avoid breeding bird nests should be clarified and adopted. Contacting the CDFW to determine the size of the buffer zone to protect a specific particular nesting species should be added to a policy. Protecting a nest tree during construction in the nesting season addresses one impact, but some special status species tend to nest in the same area, if not the same tree, every year. These include Northern Spotted Owl, other raptors such as eagles and kites. Permanent protection of the nest areas should be addressed by policies in order to protect special status species.

It should also be recognized that it is not only individual trees or plants that have value and comprise a habitat. It is all of the native trees and other native plants and resources that make up habitat systems. The plants, streams and wetlands in an area are part of the ecosystem, as are the wildlife. For example, prey species particularly Dusky-footed Woodrats that are the favored prey items of Northern Spotted Owl, also need protection.

ORG4-13

We support the recommendations to map wildlife corridors and to develop a bird-safe design ordinance with the goal of avoiding bird collisions. Both of these actions would benefit wildlife.

ORG4-14

3. Protecting Creeks –

Policy C1-6 Creek Protection. Protect and Improve Creeks....’ Is a strong policy that calls for protecting and enhancing creeks and providing setbacks. However, provisions for waivers weaken some of the policies.

Program C 1.6 a calls for maintaining a 25-foot setbacks except for along Miller Creek where larger setbacks may be required on properties of two or more acres. Waivers also can be obtained if it can be demonstrated that the reduced setback would protect the functions of the creek. We note that consultants can be found that will support reduced setbacks.

ORG4-15

Program C-1.6A allows for minor (undefined) encroachment under certain conditions including “if it is demonstrated that the reduced setback adequately protects the resources and the results are approved by agencies.” The EIR should discuss what agencies regulate setbacks and what are their regulations in this regard?

Program C1.6B Municipal Code Compliance calls for revisiting SR Municipal Code to ensure the code adequately protects creeks and drainage ways, and to consider specific measures to mitigate destruction or damage to riparian resources from various encroachments. This program should be explained. What does the current code say and what needs to be revisited?

ORG4-16

We strongly support daylighting, where possible, of areas of creeks that have been undergrounded. However, the potential for daylighting is only mentioned for Gallinas Creek. Discuss daylighting opportunities on other

ORG4-17

creeks, Mahon, Miller, Irwin, and San Rafael Creeks and add policies encouraging daylighting where possible on these creeks.

ORG4-17
cont

4. Protecting Wetlands –

We have a number of concerns about the effectiveness of policies and programs.

Policy C1-1 Wetlands Preservation. Requires appropriate public and private wetlands preservation and restoration through the regulatory process. What regulatory process is referred here? The city should have its own process and not rely only on the state and federal processes. Of particular interest and concern are vegetated waters and seasonal wetlands at Canalways and the policies and programs protecting these resources.

ORG4-18

Policy C 1.3. *Protecting Wetlands* and Program C-1.3 call for protecting wetlands unless it is “not possible or practical.” As recommended above, these exceptions should be deleted. All an applicant would have to do is claim avoidance is “not practical.” The DEIR should demonstrate how this policy would assure wetland protection.

ORG4-19

Program C 1-1A proposes a *Wetlands Overlay District*. An Overlay District as a means of identifying in advance areas that have a particular concern or interest, in this case potential wetlands, is a helpful provision. However, it is unclear how the Overlay District would be established if it is “based on wetland delineations consistent with the Corps of Engineers criteria” as stated in the policy. If the Overlay District is based on wetland delineations, the delineations would have to be performed in advance on all of the potential wetlands that would be in the District. This is unrealistic. It would be too expensive, some owners would object, in some instances it might be unnecessary and it would be temporary, because delineations have a time limit. Delineations are usually done when a development is proposed, but this would not serve for an Overlay District. Please explain the anticipated process for including sites in the District.

ORG4-20

We propose, instead, that a Baylands Corridor be adopted. This would be based on the San Francisco Estuary Institute’s Historic Bayland Maps, as are referenced and shown in the current SR GP (Exhibit 38). The Baylands Corridor has been adopted by Marin County and is shown and discussed in the current Countywide Plan. The EIR should discuss benefits of adopting a Baylands Corridor. It would include undeveloped lands that are historic baylands, some of which may currently be tidal marsh, diked baylands, and adjacent uplands sufficient to ensure a complete wetland habitat. Lands in the Corridor could be current habitat and/or have potential for future restoration or enhancement, have flood control benefits, and enable adaptation to sea level rise impacts. It would close a gap in the Baylands Corridor that currently consists of major sections in north Marin and southern Marin as well as some sites bordering San Rafael. Potential sites to be included in the Corridor are the wetlands at Beach Road, Lock Lomond Marina, other wetlands on the north side of San Pedro Road, Mahon Creek, at the mouth of the San Rafael Canal both north and south banks, Spinnaker Lagoon, Canalways, MMWD pond and others.

ORG4-21

One site that would be in the Corridor is Canalways. There is no mention of the 85-acre Canalways site in the DEIR, although there are policies and a Spotlight article on this site in the GP. We request that there be a discussion of the environmental importance of this property in the EIR, which at least addresses the following:

ORG4-22

Policy NH-3.24. Canalways. This policy states among other things: “The city supports a plan for this site that balances conservation and development objectives” What does this mean? How and when did the city make this decision? What does balance mean - the amount of land coverage? That could mean some wetlands would be filled? Why would the city even make such a statement at this early stage in planning? The next sentence is even more troubling “Development should be economically viable for the site’s owners....” As we have stated in earlier communications, this statement should be deleted from the Plan. It is inappropriate and not in the public interest for the city to make any promises to a property owner, much less of economic benefit. The focus of a GP should be on what is best for the city – not for individual property owners.

ORG4-23

Program NH 3.24.a Canalways Conservation and Development Plan. (CCDP) This policy also warrants discussion and clarification in this EIR... Why would the GP state the intent of providing a basis for allowing a larger development than is shown on the GP land use map? This seems to predestine the outcome of the CCDP. We have no objection to a wetland delineation but this should not “shape” the development plan and “mitigation measures in the event the resources will be impacted by the site’s development.” All of this indicates that the city is preparing for more development on the site. Other environmental factors, including the need for wetland setbacks, historic baylands, need for sea level rise programs, and stability of the soils must be considered. While preparing a CCDP may be a reasonable approach, all of the other apparent commitments are not and they should be deleted.

ORG4-24

With regard to the Spotlight on Canalways page, the history of the environmental community’s long effort to protect this site should be part of the Spotlight. Any negative changes, such as invasive plants and possible reduced wetland areas, are most likely the result of property-owner neglect and legal action, which has resulted in a requirement for the city to pump the site. Neglect is a common ploy of developers to gain more developable land on their property and should not be rewarded by promises of approvals for more development. We have no objection to development of the current upland portions of the property provided adequate buffers are incorporated.

ORG4-25

Policy C-1.3 Wetland and Protecting and Mitigation calls for avoidance of wetland fill, “unless it is not possible or practical. “ As discussed above, these qualifying phrases should be deleted as they nullify the protective provisions of he policy.

ORG4-26

Program C 1-3A Compensatory Mitigation Requirement provides for 2:1 acres of compensatory mitigation for each acre of wetlands lost, on site and in-kind if the mitigation is “not possible or practical”; in which case it should be in the same drainage basin or watershed at 3:1 ratio is reasonable.

ORG4-27

Program C-1.3C Conditions for Mitigation Waivers provides conditions for a waiver for projects filling under .01 acre; isolated; report by a wetland expert that the proposed action would not result in a functioning wetland; determination by the city that the filling would result in a more desirable project; if the city determines that the filling would result in a more desirable development project; and receipt by the applicant of all necessary permits from regulatory agencies. Allowing such decisions to be made on non-biological basis is not in the public interest. Even small wetlands are important for wildlife, water sources for mammals and invertebrates, ponding areas for runoff, but most troublesome is that this policy provides for filling wetlands if the city likes the project better than the wetlands. The desirability of a project is a matter of taste and interests. and should not be justification for filling wetlands. This is precisely why we have lost so many wetlands.

ORG4-28

Policy C-1.5 Wetland Setbacks. Provides for a setback of 50-feet with the possibility of more being required on 2-acre or larger sites. Again, a waiver is provided for “minor” reductions in setbacks if it can be

ORG4-29

demonstrated that encroachments would not impact the functions of the wetlands. The EIR should address the conditions for a larger buffer to be required than the 50-foot setbacks for wetlands of two or more acres except. But even that setback could be waived if it can be demonstrated the functions would still be protected. Again, consultants can be found that would compromise the resources. More importantly, it is now recognized that setbacks, also called buffers or transition zones, are an important part of wetland habitats. They are essential for the endangered Ridgway Rails, for example, which must come out of the marsh at extreme tides and hide from avian predators. They are also important foraging and nest sites for other species.

ORG4-29
cont

Protections for "Other Waters" for their habitat and other values should be adopted. This is a beneficial program that will work to protect wet B OIO-2 lands that are not regulated by federal agencies now, although they could be in the future. Other waters are regulated by the Regional Water Quality Control Board, so they will have to be surveyed and subject to regulation eventually.

ORG4-30

In conclusion, we note that the project could have substantial adverse effects in the following areas: BIO-1 substantial adverse impacts to the Northern Spotted Owl could result and other special status species by the failure to have adequate policies to protect native trees, other native vegetation, And the wildlife; BIO-2 the lack of protections for native trees, other than native oaks, and the many exceptions to protecting these and other habitats could have substantial impacts on riparian and other native habitat systems; BIO-3 significant impacts to wetlands from the many exceptions that significantly weaken or render ineffective the protective provisions; BIO-4 the lack of protection for native trees and other vegetative habitats including riparian habitats, that provide movement corridors for wildlife; and BIO-7 the cumulative impacts of all of the above on biological resources. Native plant protection and encouragement for planting native plants in landscaping, elimination of exceptions for wetland and stream protections, following up on surveys with avoidance policies, and ensurance of adequate wetland and stream setbacks would help to reduce the significant individual and cumulative impacts of the project.

ORG4-31

ORG4-32

ORG4-33

ORG4-44

ORG4-45

Thank you for considering and responding to our input. We request that the issues raised in our October 2020 letter on the Plan also be considered and responded to.

ORG4-46

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee



March 9, 2021

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415.457.7656

San Rafael Planning Commission
14 Fifth Avenue
San Rafael, CA 94901

RE: Comments on Draft Environmental Impact Report for General Plan 2040 and Downtown Precise Plan

Honorable Commissioners,
The fact that the Draft EIR finds the greenhouse gas (GHG) impacts of General Plan 2040 to be “significant and unavoidable” (p. 4.8-26) is a major wake-up call for San Rafael to increase its actions to reduce climate change.

ORG5-1

The DEIR projects a 20% reduction of GHG (from 2019 levels) by 2040, while stating that a 60% reduction by then would be required to meet state law (table 4.5-5).

Contrary to the report’s statement, these GHG impacts are not unavoidable. Although meeting emission goals statewide may entail “advancements in technologies” (p. 4.8-27), that is not the case for the requisite amount of local emission reductions, for which compliant technologies already exist in all the emission sectors the DEIR lists (e.g., GHG-free electricity, electric heat pumps and appliances, electric vehicles, and organics recycling).

ORG5-2

Accordingly, we request that these significant GHG impacts be mitigated by adding the following language to the General Plan:

1. [New] **Program C-5.1D: CCAP Implementation and Updates.** Conduct complete updates of the Climate Action Plan at least every ten years, adjusting programs to assure implementation of GHG goals, including reductions of 40% by 2030, 60% by 2040, and to levels conforming to Executive Orders S-03-05 and B-55-18 by 2050, or greater goals as may be adopted.
2. **Program C-4.1D: Reducing Natural Gas Use.** ~~Promote~~ Implement electrification of building systems and appliances in new buildings and those that currently use natural gas by requiring new or replacement furnaces and appliances to be electric and to utilize fossil-free electricity.
3. **Program M-3.6A: ZEV Plan.** Consistent with the San Rafael CCAP, develop and implement a Zero Emission Vehicle (ZEV) Plan with a goal of 25 percent of the passenger vehicles in San Rafael being ZEVs by 2030, and 60% by 2040. The Plan should provide for additional charging stations, preferential parking

for ZEVs, and other programs that incentivize ZEV use by San Rafael residents.

ORG5-2 cont

4. Program CSI-4.17E: Community Composting. Consider Implement a mandatory community-scale program for curbside collection, ~~and~~ composting, or other low-emission conversion of food and green waste, as well as vegetation cleared through fire prevention efforts, in compliance with SB 1383 requirements to divert at least 75% of organics.

By implementing low-emission building electrification, transportation, and waste management as mitigations to General Plan 2040, the required 60% reduction of GHG is readily achievable over the next 20 years, placing San Rafael on a solid trajectory toward carbon neutral.

ORG5-3

As the DEIR makes clear, it is now necessary for the City to step up to these more robust programs and requirements, with supporting ordinances and incentives finalized as soon as possible. To assist that effort, model ordinances already exist from the State, County, and other jurisdictions, along with incentive programs at MCE, TAM, and other partner agencies.

The DEIR could also be furthered strengthened by a) an explanation of how the 40% GHG reductions itemized in San Rafael's CCAP 2030 figure in the DEIR's GHG calculations and determinations, along with the numerous policies and programs in General Plan 2040 itself that target additional reductions; and b) a clear description of the applicability of Executive Order B-55-18, which calls for carbon neutrality by 2045.

ORG5-4

Overall, we commend General Plan 2040 and the Downtown Precise Plan for recommending a comprehensive range of actions to address both climate change and the other issues shaping the City's future.

ORG5-5

Sincerely,

William Carney
Board President

Copies:

Paul Jensen, Alicia Giudice, Barry Miller, Cory Bytof

S A N · R A F A E L
ROCKQUARRY

March 9, 2021

Mr. Barry Miller
 Consulting Project Manager
 City of San Rafael Community Development Department
 1400 Fifth Avenue, 3rd Floor
 San Rafael, CA 94901

[VIA EMAIL TO BARRY.MILLER@CITYOFSANRAFAEL.ORG]

RE: General Plan 2040 and Downtown Precise Plan DEIR Comments

Dear Mr. Miller:

San Rafael Rock Quarry, Inc. (“SRRQ”), which operates the San Rafael Rock Quarry (“Quarry”), submits the below comments on the draft Environmental Impact Report (“DEIR”) prepared for the General Plan 2040 and Downtown Precise Plan.

As you are aware, the Quarry is located outside of San Rafael’s city limits but within the DEIR Study Area. The Quarry is an important local employer and infrastructure materials supplier to the City of San Rafael, and, as acknowledged in the DEIR, the Quarry property may ultimately be annexed into the City as part of its post-mining redevelopment. In this regard, it is important that the both the General Plan 2040 and the DEIR carefully and accurately describe the Quarry’s current entitlements and operating characteristics.

ORG6-1

While the document overall is very well analyzed and presented, the following comments identify portions of the DEIR concerning the Quarry that are inaccurate or incorrect, and which should be acknowledged and corrected in the final DEIR.

ORG6-2

COMMENT 1: The DEIR states erroneously that the San Rafael Rock Quarry is a “major stationary source of noise”. (DEIR, p. 4.13-27.) The DEIR cites to no evidence for this statement.

In fact, the Quarry is not a major stationary noise source, and complies with both County noise standards and separate standards set out in eight permit conditions regulating noise emissions from the Quarry. These conditions, among other stringent measures, require SRRQ to limit noise from Quarry operations to 60 dBA day/night Ldn, 70 dBA maximum and 65 dBA impulsive. SRRQ also funds an ongoing noise monitoring program to ensure that the Quarry does not exceed the stated noise limits. Since approval of the Quarry’s current operating conditions in 2010, the Quarry has not violated these noise limits.

ORG6-3

SRRQ requests that the City delete or revise the erroneous statement identified above to reflect that the Quarry is not a major stationary source of noise.

ORG6-3
cont

COMMENT 2: The DEIR erroneously states that the Quarry’s current Surface Mining and Quarry Permit and Reclamation Plan “mandates a cease of operations in 2024.” (DEIR, p. 4.12-3.)

In fact, the Quarry is a vested mining operation, which, among other property rights, includes a judicially-confirmed right to continue operating without a time limit.

ORG6-4

As noted in the DEIR, the Quarry is subject to both an operating permit, which includes 172 operating conditions, and a reclamation plan (the “Reclamation Plan”), which describes how the Quarry will be reclaimed post-mining. Both entitlements were approved by the County in 2010. A reclamation plan is a standalone document that is required by the state Surface Mining and Reclamation Act (“SMARA”) to, among other things, specify an anticipated termination date for mining operations. The current Quarry Reclamation Plan states that mining is anticipated to cease in 2024.

Because the Quarry is entitled to continue operating without a time limit, Condition 30 of the Quarry’s operating permit requires SRRQ, should SRRQ intend to continue mining past 2024, to submit to the County no later than December 31, 2021 an application to amend the current Reclamation Plan to reflect a later termination date for mining. Condition 30 ensures that the Quarry Reclamation Plan will comply with SMARA should SRRQ continue mining past 2024.

The application that SRRQ submitted to the County in 2019 seeks to amend the Reclamation Plan’s anticipated termination date from 2024 to 2044. To be clear, this application is not a request for permission to continue mining, because, as noted, SRRQ is entitled to continue mining the Quarry without a time limit.

SRRQ requests that the City delete or revise the erroneous statement identified above to clarify that the Quarry is vested and is entitled to continue operating without a time limit.

COMMENT 3: The DEIR misconstrues the legal basis for and requirements set forth in the Quarry Reclamation Plan. The Reclamation Plan is required by state law, SMARA, and not as a “requirement for approval of the Surface Mining and Quarrying Permit”. (DEIR, p. 4.12-3.) Under SMARA, all surface mining operations must have a reclamation plan. (Pub. Resources Code, § 2770.)

ORG6-5

The DEIR also misstates the Reclamation Plan’s requirements. In particular, the Reclamation Plan prescribes more for the “northeast portion of the site” (called the “North East Quadrant” in the Reclamation Plan) than just “vegetation restoration”. (DEIR, p. 4.12-3.) Additional surface mining operations, to a limit specified in the Reclamation Plan, will still occur in the North East Quadrant, accompanied by reclamation grading and berm construction.

The Reclamation Plan, further, does not require “working closely with the United States Fish and Wildlife Service to protect the California red-legged frog.” (DEIR, p. 4.12-3.) The Reclamation Plan requires SRRQ to survey and assess habitat for the species as part of seeking County grading permits for each reclamation phase. A biological survey performed in 2015 found a single California red-legged frog (“CRLF”) metamorph in a rainwater pond created by mining operations. SRRQ ceased operations in the area. A subsequent survey in 2017 found no further CRLF on the site and concluded that no suitable habitat was present. No CRLF have since been identified on the Quarry site. Because no CRLF are present on the site, and the site is not suitable habitat, SRRQ is not required to “work closely” with USFW.

ORG6-5
cont

SRRQ requests that the City delete or revise the erroneous statements identified above to clarify that (1) the Reclamation Plan is required by SMARA; (2) additional mining and reclamation activities will occur in the Northeast Quadrant; and (3) surveys have determined that no CRLF are present on the Quarry site.

COMMENT 4: The DEIR states inaccurately that the “Dutra Group recently submitted an application amendment to extend operations through 2044 to allow access to rock reserves remaining under the existing entitlements for the San Rafael Rock Quarry and McNear Brickworks.” (DEIR, p. 4.12-3.)

ORG6-6

As noted above, the Quarry is a vested mining operation that includes a judicially-confirmed right to continue operating without a time limit. SRRQ’s recent application seeks only an administrative amendment to the Quarry Reclamation Plan as required by SMARA to change the anticipated termination date for mining from 2024 to 2044. SRRQ has not requested an amendment to the current operating conditions for the Quarry. Further, mining operations will continue within the areas already identified in the current Reclamation Plan, which do not include McNear Brickworks.

SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.

COMMENT 5: The DEIR states inaccurately that “the County of Marin is currently reviewing an operating permit extension for the San Rafael Rock Quarry and McNear Brickworks that is anticipated to be approved, extending mining operations through 2044.” (DEIR, p. 4.12-4.)

ORG6-7

As noted above, the Quarry is a vested mining operation that includes a judicially-confirmed right to continue operating without a time limit. SRRQ’s recent application seeks only an administrative amendment to the Quarry Reclamation Plan as required by SMARA to change the anticipated termination date for mining from 2024 to 2044. SRRQ has not requested an amendment to the current operating conditions for the Quarry. Further, mining operations will continue within the areas already identified in the current Reclamation Plan, which do not include McNear Brickworks.

SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.

March 9, 2021

COMMENT 6: The DEIR suggests that the Quarry is subject to code enforcement activities in Program NH-5.6A (“Seek ongoing input into County code enforcement activities . . .”). (DEIR, p. 4.12-5.)

ORG6-8

The Quarry is not subject to any “County code enforcement activities”, and in fact, the Quarry has never been subject to a County code enforcement action since approval of its current operating conditions and Reclamation Plan in 2010.

SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.

COMMENT 7: The DEIR suggests inaccurately that the County of Marin can periodically impose new “Best Management Practices” on Quarry operations (“The City will urge the County to require Best Management Practices for Quarry operations . . .”). (DEIR, p. 4.12-5.)

ORG6-9

The Quarry is subject to 172 operating conditions approved in 2010 and additional requirements under the Quarry’s SMARA-compliant Reclamation Plan. The Quarry, as noted, is a vested mining operation, and its current operating entitlements are also vested. The County does not have a legal basis or authority to impose new or additional “Best Management Practices” as the DEIR seems to suggest.

SRRQ encourages the City to review the Quarry’s current operating conditions, which already require “air quality testing, water quality monitoring and improvements, and runoff controls that reflect the latest technology and scientific methods.” (DEIR, p. 4.12-5.) Other operating conditions include measures to reduce and eliminate noise, measures to control and limit truck traffic, biological protection measures, and operating hours. SRRQ also continually upgrades its operations on its own. SRRQ files annual reports with the County documenting its compliance with these and other operating conditions, and the County inspects the Quarry annually as well.

SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.

COMMENT 8: The DEIR incorrectly suggests that the costs to reclaim the Quarry will become “public costs” (“[f]uture public costs associated with reclamation, such as long-term environmental restoration and infrastructure repair, are objectively measured and considered in decisions about future quarry operations”). (DEIR, p. 4.12-5.)

ORG6-10

The Reclamation Plan, as required by SMARA, addresses long-term environmental restoration of the Quarry site and infrastructure in preparation for post-mining redevelopment. Costs to reclaim the Quarry in accordance with the Reclamation Plan will never become “public costs”. SMARA requires all surface mining operations to post and annually update financial bonds in an amount adequate to cover the costs of reclamation. (Pub. Resources Code, § 2773.1.) Consistent with this requirement, SRRQ maintains a financial bond that is payable to the County and the State. The financial bond is analyzed annually by the County and the State Division of Mine Reclamation and updated annually as required by SMARA.

SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.

ORG6-10
cont

COMMENT 9: Program NH-5.6B inaccurately calls for the City to “[c]ollaborate with residents to ensure that any modifications to the existing Operating Permit remain within the restrictions imposed by existing and future court orders.” (DEIR, p. 4.12-5.)

ORG6-11

The Quarry’s vested rights were confirmed in a 2004 judicial decision. This is a final decision, and no “future court orders” are predicated or necessary to effectuate this decision. The current Quarry operating conditions are, as stated by the court, voluntarily-accepted, economically-viable conditions that minimize or eliminate potential operating impacts on neighbors. No changes to these conditions are proposed.

In terms of “collaboration with residents”, the City should note that SRRQ values community collaboration and already has a program in place to collaborate with the community on a regular basis. For example, SRRQ holds biannual community meetings, including one annual meeting with a public tour of quarry operations. In addition, the Quarry provides tours to local groups such as the Boy Scouts and local elementary schools, and provides updates to the community through an actively managed website and social media accounts.

SRRQ requests that the City delete or revise the erroneous statements identified above consistent with the above clarification.

COMMENT 10: The DEIR should be updated to reflect previous analyses which concluded that “restoring the saltwater marsh to tidal action” is infeasible. (DEIR, p. 4.12-6.)

ORG6-12

Pursuant to the Quarry’s current operating conditions, SRRQ developed and the County approved a Marsh Restoration Plan pursuant to which SRRQ has undertaken a number of actions to enhance ecological values in the salt marsh located in the North West Quadrant of the Quarry site, along Point San Pedro Road.

Development of the Marsh Restoration Plan included a “full tidal restoration” alternative that was analyzed by the County and all relevant resource agencies. The County and agencies eliminated this alternative because full tidal restoration would result in flooding to Point San Pedro Road, Chapel Cove, and McNear’s Brickyard.

SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.

COMMENT 11: The DEIR inaccurately suggests that Quarry truck traffic results in unmitigated impacts to Point San Pedro Road (“Continue, and periodically update, measures to mitigate the impacts of quarry-related truck traffic on Point San Pedro Road”). (DEIR, p. 4.16-35.)

ORG6-13

Quarry truck traffic does not result in any unmitigated impacts on Point San Pedro Road, and monitoring data collected indicates that the Quarry’s traffic levels are

within County permit limits. The Quarry has also implemented a host of programs to improve traffic, bike and pedestrian safety along the Point San Pedro Road corridor including:

1. Strict limits on truck traffic per day.
2. Implementation of a trucker management program that details rules of the road, hauling times, speeds, etc. The program includes a process for warnings, citations and bans if needed.
3. Full time truck marshal who monitors the PSPR corridor.
4. Strep sweep between the entrance to SRRQ and San Rafael High School.
5. Metering truck traffic during peak times.
6. Require all trucks hauling material, with the exception of rip rap to tarp their loads.
7. Require all trucks leaving the quarry to wash their undercarriage, and all trucks expect those hauling asphalt to go through an overhead wash.

As analyzed in the Quarry environmental documents, these measures fully mitigate the potential impacts of Quarry truck traffic on Point San Pedro Road.

SRRQ requests that the City delete or revise the erroneous statement identified above consistent with the above clarification.

COMMENT 12: The BPMP proposes a Class I bike path around the perimeter of Point San Pedro. Note that this location is not consistent with the County-approved Reclamation Plan for the Quarry, and since the ultimate redevelopment of the Quarry is not included in this General Plan Update, we request this path location be removed from the document. However, when the Quarry is finished operating, and the site reclaimed, the ultimate redevelopment plan will include greater bike and pedestrian path lengths and access than shown on this current plan. Specific path locations will be proposed at that time.

COMMENT 13: We applaud the City's efforts on the General Plan 2040 and in the DEIR to update the City's general transportation policies. The City's inclusion of a host of potential VMT reduction options (such as support of mass transit, commute trip reduction, last mile connections, shuttles, water transit and other opportunities and measures to accommodate housing growth without significant transportation and quality of life impacts) brings the City's policies into conformance with the best current regional thinking on the issue.

* * *

While we have proposed some corrections to some of the language in the DEIR, SRRQ appreciates the City's efforts and the high quality of its work on the General Plan 2040 and the DEIR. The above corrections and clarifications will help ensure that these important documents accurately describe the Quarry's entitlements and operating characteristics.

ORG6-13
cont

ORG6-14

ORG6-15

ORG6-16

SRRQ – General Plan 2040 and Downtown Precise Plan DEIR Comments
March 9, 2021

Please feel free to contact me at rcampbell@dutragroup.com with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'RCampbell', written in a cursive style.

Ross Campbell
San Rafael Rock Quarry, Inc.



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

October 27, 2020

San Rafael Planning Commission

Barry.miller@cityofsanrafael.org

c/o alicia.giudice@cityofsanrafael.org

lindsay.lara@cityofsanrafael.org

Att: Barry Miller

RE: Comments on Draft San Rafael General Plan 2040

Dear Commissioners:

The Marin Audubon Society appreciates your consideration of our comments on sections of the Draft San Rafael General Plan 2040 that address wetlands, including Canalways, special status species, and native trees. We will likely provide additional comments during the course of environmental review. Our current comments are:

ORG7-1

Canalways

Our primary concern and alarm is about the Canalways site. Policies NH 3.24, Program NH 3.42A and the Spotlight discussion on page 4-49 fail to recognize and acknowledge that there has been close to a 50 years effort on the part of the environmental community to protect this site from being developed. To protect its resource values, Marin Audubon first attempted to purchase the site on tax default sale when it was in the original ownership of the pyramid company, Holiday Magic. Unfortunately, the current developers were able to purchase the property in spite of Marin Audubon's effort which included funding from the State Coastal Conservancy. Since then, Marin Audubon and other organizations have supported efforts by regional agencies to reject development of the property and reported infractions. A second attempt to purchase the property occurred five years ago.

ORG7-2

Apparently all of that history has been lost, as the currently proposed policies would allow for increased development. The most shocking statement in Policy NH 3-24 is "Development should be economically viable for the site's owners..." In our more than 40 years of reviewing general plans, we have never seen such a statement in a general plan. That is because providing guarantees for the property owner is completely inappropriate for a general plan and should be deleted.

ORG7-3

Regarding the remainder of the policy, any development should protect the site's resources (not just "be responsive to"), and development should be confined to the existing higher elevation areas. A word of caution about the biological assessment and jurisdictional delineation called for in the program. Rainwater has been pumped from the site by the city for at least the past 20 years under threat of legal action by the property owner. This removal of water may have affected the condition of the wetlands on the site. So to rely on a jurisdictional delineation prepared by the applicant's consultant would not necessarily reflect the condition of the site under normal circumstances, i.e. if artificial removal of the water did not occur. There is no shortage of environmental consultants who can promise anything.

ORG7-4

Further the invasive plants that have proliferated on the property are the direct result of neglect by the property owners. Neglect and removal of water, are among the approaches taken by property owners in efforts to avoid a property being delineated as a wetland.

ORG7-5

We support the protection of the low area of Canalways for its ecological importance, retention of the Wetlands Overlay Zone and Conservation designation. We support policies in the current general plan that all development, whether industrial or housing be confined to the higher elevation lands along the west side of the property only. The Canalways levee has indeed deteriorated and will be the last degraded low area along the waterfront after completion of Marin Audubon's Tiscornia Marsh Project.

ORG7-6

Regarding the extension of Kerner, in the past, the city was not supportive of extending this his road. To do so would require filling wetlands, unless the connection were a bridge.

ORG7-7

Wetland Preservation Policy C-1-1

We support protection of the city's wetlands and the city should have the first regulatory review. The discussion of the regulatory processes is confusing. It sounds like the city will rely on federal, state and regional agencies instead of their own regulatory powers.

ORG7-8

The processes of wetland regulation is more effective if the local jurisdictions implement their own ordinances first. Clear policies send a clear message to project proponents. Regulation by state and federal agencies is required and actually does not need to be mentioned in policies.

Program C-1.1A Agencies have different wetland definitions than that of the Corps of Engineers. This should be broadened to ensure the wetland definitions of the state (RWQCB and BCDC) and federal (ACOE) agencies are considered.

ORG7-9

Program C-1.1B We strongly support this policy which supports our Tiscornia Marsh restoration and Seal Level Rise Adaption project on Marin Audubon and city property along the shoreline.

ORG7-10

Policy C-1.3 Wetland Protection and Mitigation

This policy offers unacceptable exceptions to protecting wetlands, particularly the exception if the protection is not "practical." This is a very easy standard to meet – it just needs to be undesirable and/or not of interest to the project proponent. It offers an easy out, is far too broad and it does not comply with the intent of the policy.

ORG7-11

Program C-1.3B Conditions for Mitigation Waivers. This waiver is for wetlands that are less than 0.1 acre in size. The waiver is contrary to the state's wetland policy, which calls for no net loss of wetlands. It would exempt fill projects from mitigation if:

- 1) The wetland is isolated. This fails to consider that isolated wetlands can be near other wetlands forming a wetland complex and that even isolated wetlands have local value, i.e. to improve water quality, habitat, particularly during migration of movement between larger habitats.
- 2) Wetland experts demonstrate that preservation would not result in a functioning wetland. Often this means that the development would cut-off water supply, which could be avoided by project redesign. As noted above, "wetland experts" can be found to say almost anything.
- 3) The city finds the filling more desirable. This is an arbitrary condition that defies the intent of the policy.

ORG7-12

4) The applicants have received all required permits. Regulatory agency permits are a necessary step for all wetland fill projects to go forward. It need not be said. However, some agencies, most notably BCDC, require that local permits be obtained first.

ORG7-12
cont

Program C-1.3C Revision of Mitigation and Waiver Requirements. Much of this program seems fine, however, bringing “other bay area jurisdictions” into the program opens the door for extensive conflict among policies of the many jurisdictions around the Bay. There is no reason to cast such a broad net. End the sentence at federal agencies.

ORG7-13

Program C-1.4C Mitigation Banking. Marin Audubon opposes mitigation banks because they offer an easy out for filling wetlands and the service area is usually far too large.

ORG7-14

Policy C-1.5 Wetland Setbacks

Our comment on this policy relates to the exception “if it can be demonstrated that the proposed setback protects the functions of the wetlands to the maximum extent feasible.” See comments above related to experts.

ORG7-15

Policy C-1.12 Native or Sensitive Habitat

This policy should specifically call out protecting native trees. If the city wants to protect more tree species than natives, at least the non-native trees protected should be non-invasive. Species such as eucalyptus and acacia are particularly problematic because they increase fire danger in addition to providing minimal habitat.

ORG7-16

Protecting native species should be included in policies and programs throughout this habitat section. Program C-1.16A, Program C-1.16A, Policy 1.17A Program C-1.16A a), e), f), and g) and Program C-1.16A are all places where the preference for native trees should be included.

ORG7-17

Special Status Wildlife - Marin Northern Spotted Owls typically nest on the tops of tall trees. No one is building platforms for the owls.

ORG7-18

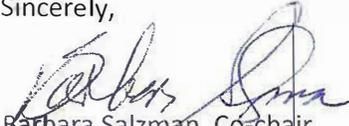
Program C.1-13A The CA Natural Diversity Data Base digital maps. The CNDDDB is generally recognized as not being current. In the case of development that could potentially impact special status species, data from additional sources should be provided.

ORG7-19

In addition to policies/programs favoring actions to maintain dark sky policy, a policy requiring bird-friendly glass, to avoid or reduce impacts to bird populations from collision with glass windows and doors, should be included. Bird collisions occur when birds cannot distinguish the glass, see the reflection of vegetation and, therefore, perceive that the reflection as habitat, and fly through the glass. There is special bird-friendly glass that can and should be used in developments that are in and near vegetated habitat.

Thank you for considering our input.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Public Comment on Downtown Precise Plan

Liza <lizahr@gmail.com>

Fri 2/19/2021 8:59 AM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Mr. Miller,

I was greatly disappointed to see that the Historic Resources section of the Downtown Precise Plan (DTPP) omitted any mention of the 1929 Northwestern Pacific Railroad Depot (the "Whistlestop building", adjacent to the SMART train!) downtown. This building is a landmark at the entrance of San Rafael which could be re-visioned for public use now that Whistlestop is relocating to 3rd and Lincoln. It could serve arriving rail and bus passengers as a marketplace, providing information, refreshments and a gateway to downtown retail on 4th Street. Increased pedestrian traffic in this area would help existing businesses on 4th St. and increase the safety and comfort of the neighborhood for both transit passengers and residents. It is negligent for the DTPP to ignore this area.

PUB1-1

The Depot structure is instantly recognizable; it radiates the greatness of the railroad era that built San Rafael into the city it is today. The draft DTPP focuses on residential structures and sub-districts, while neglecting to address the treasures downtown! Please reassess and complete your inventory. The Depot building would be eligible for inclusion on the National Register of Historic Places under criterion A, C, or D (see below). Please reconsider and include the Depot as an historic structure and envision it as a foundation for a downtown historic district.

Thanks for your consideration.

Sincerely,

Liza Wozniak

37 Marquard Ave

San Rafael

NRHP Criteria applicable to the 1929 Depot:

- **Criterion A**, "Event", the property must make a contribution to the major pattern of American history
- **Criterion C**, "Design/Construction", concerns the distinctive characteristics of the building by its architecture and construction, including having great artistic value or being the work of a master.
- **Criterion D**, "Information potential", is satisfied if the property has yielded or may be likely to yield information important to history.

PUB1-2

MICHAEL J. SMITH
5 WOLFE AVENUE, SAN RAFAEL, CA 94901

Public Comment PUB2

City of San Rafael
Planning Commission
1400 Fifth Ave., Rm. 209
San Rafael, CA 94901

March 5, 2021

Re: Appeal of Historic Designation
1504-1522 Fourth Street
San Rafael, CA 94901

Dear Commissioners:

As a fourth generation San Rafael resident and businessperson and former planning commissioner of San Rafael, I am writing to appeal the historic eligibility as a contributor for the building I own at 1504-1522 Fourth Street, San Rafael CA. I do not believe there are significant architectural features that would cause it to qualify.

PUB2-1

There is some background to these buildings that may not be readily apparent from the public record or an evaluation focused solely on a cursory review of the exterior and should inform the report. 1502-1528 4th Street is in fact three separate buildings built on separate dates. The buildings are legally on two APN's that have been functionally and physically merged over time. Each of these buildings have their ground floors at different elevations, matching the slope of the street.

APN 011-202-11 contains one building with three addresses 1522, 1520 & 1518 4th Street. Its original purpose was primarily industrial, serving as an automotive repair garage for most of its early history. The facade has been completely remodeled and modernized (with permits) and dates to the early 2000's. The Historic designation correctly identifies this as a class "E" building.

PUB2-2

APN 011-202-14 contains two separate, independently constructed buildings. 1512 4th Street is the middle building and is the main address currently occupied by Bordenave's Bakery. This is also an industrial building that contains no outward architectural details that would lend itself to any historic designation. Although, it shares a single APN number with its neighbor at 1504 Fourth Street / 1009 E Street, this building should clearly be bifurcated for purposes of the historic evaluation. It is currently incorrectly lumped in with the corner building on the various maps and in the evaluation.

The corner building at 1504 Fourth Street / 1009 E Street currently houses two tenants with a traditional retail use on the corner while the other space is an industrial use utilized as a telecoms switching station. Although the building has an attractive frieze along the upper section with

ornamental lions at the entrance, there is nothing notable about this square building with a flat roof, with no other structural articulation or ornamentation. It was modified (with permits) as the original transom windows have been filled in and the current tile at the ground level is new.

PUB2-2
cont

All three buildings are outdated and functionally obsolete. The rear tenant spaces lack any useable natural light with no windows, no visibility as they are too far from the street window line, and with varying floor levels they do not match any modern tenant demand. They are clearly not aligned with current market tastes or standards. Its historic designation is not warranted and should be downgraded to facilitate their modernization and reuse, otherwise it would in fact limit the very upgrading that the City is emphasizing for Downtown San Rafael.

PUB2-3

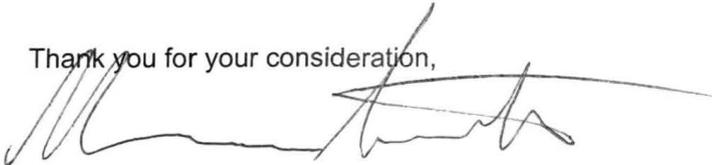
There are errors in the DPR form that should be corrected and thereby remove some criteria used in the building's historic determination. On the final page of the evaluation it states "Its continued use as a residence allows it to retain integrity of association." The building contains no residential use whatsoever and is in fact occupied by commercial uses. The original use was automotive from inception. The historical automotive identity is no longer associated with the building in any fashion and these historic industrial uses are not appropriate (or allowed) for this area of downtown San Rafael. In addition, the DPR for this building depicts the incorrect site on the map on the 2nd page and should be corrected.

PUB2-4

I would also like to point out that the site presents an ideal opportunity for redevelopment as a mixed use project with the majority being residential with some ground floor retail. Its designation as a contributing resource will clearly inhibit potential redevelopment. As repeatedly stated in the Precise Plan and the General Plan 2040, the City should be prioritizing this site for adaptation into residential uses. There is only one other owner besides myself that own all five parcels between E Street and the parking lot at 1532 4th street (next to Guide Dogs of Blind). It would take only two parties to agree to re-develop and combine these into one 63,000+ feet parcel comprising almost 1.45 acres. It is one of, if not the largest prime site downtown other than 1001 Fourth Street with this much potential. I suggest the City consider more carefully before limiting such a potential project before it can even be started.

PUB2-5

Thank you for your consideration,



Michael J. Smith

Public Comment PUB3

March 6, 2021

To: Barry Miller, Consulting Project Manager
Community Development Department, City of San Rafael

Subject: Historic Resources Inventory Summary Report
Appendix ? to Page 42 (2-30)
DEIR Appendix F – Cultural Resources Data

Barry

As stated in the Chapter 5 communication, what is Appendix V mentioned on pages 106 and 110. This title does not show up on the documents that I can find. As stated several times before, many of the same general issues mentioned in my February 24th communication continue. This includes various abbreviations, spaces and capitalization questions; some are highlighted in the attached PDF.

PUB3-1

Again, greater detail will be addressed in a separate letter regarding major concerns that arise throughout the documents. They are identified below with item numbers to keep this list as short as possible. As clarified at last Monday's meeting, at this time I am concentrating on the DTPP Chapter 5 and the Historic Resources Appendix (?). I assume where appropriate the information will be transferred to the DEIR Appendix F.

PUB3-2

Page # Comment

Historic Resources Appendix V (232 Pages): Page 1-1 to 5-164 (is this the correct title?)

1 Chapter 5 of the DTPP is "Historic Resources Inventory Summary Report"- there is no reference to an Appendix #. As there are several Chapter 5s relating to this project with cross references to and fro, it makes all very difficult to follow.

PUB3-3

5 Table of Contents: Again, the ability to move to chapters electronically would be very beneficial. The "Fact Sheets" should be "5-1". At this point I cannot tell, are the titles are accurate? Are Appendix B and C something SRH could review?

PUB 3-4

7 1st PP: There is that date again, this first reference should be "January 1978". All references should be "1978" or "1978/86". At least here the 1986 version is clarified as "administratively updated", 1986 should not be used as the "publication" date ever; but is often repeated later in the text.

PUB3-5

It was the "asistencia" that was founded in 1817; saying the mission was founded is incorrect. This will be explained later in the text - let them wonder ...

PUB3-6

10 Reference to "Chapter 5 of this Appendix to make clear where those "Fact Sheets" do appear and is it "Appendix A or V or WHAT?

PUB3-7

11 Figure 1-1, page 1-5: An issue relating to all maps; see Item 1 in Major Concerns letter to follow.

PUB3-8

12 Figure 1-2, page 1-6: Boundary of the "Area not surveyed" around Latham Street – The color should either end at the back parcel line west of F, or go further to include 3 (1) G to Ida.

PUB3-9

13 1st PP: "several centuries,?" Two hundred + 4 years - a bit of an exaggeration

PUB3-10

2nd PP: Would like the sentence rewritten so the order is correct. "... 1817, Asistencia San Rafael Arcángel was founded in the Spanish colonial province of Alta California and gained full mission status as the 20th of 21 Franciscan missions in 1822"

PUB 3-11

Could the Hotel Rafael really be called "modest"?

PUB3-12

- 13 Cont. Footnote 1: They are too complicated. See item 2 in "Major Concerns" dated March 7, 2021 | PUB3-13
Footnote 4: The Albert Building was built in 1920, how does that relate to the paragraph and 1937? | PUB3-14
- 14 2nd PP: "... became, in turn, a railroad ~~depot~~ suburb, a regional ..." | PUB3-15
4th PP: Another requirement of a mission settlement was a good supply of native (slave) labor | PUB3-16
5th PP: The Miwok people had lost their hunter/gatherer life style and the land to wander. They had been in the servitude of the the church and their land cut into rancheros | PUB3-17
"reconstruction" only applies to the 1949 structure. The 1919 Church of St. Raphael is a replacement when the c.1860 Gothic church burned. Because of that fire, the Spanish Colonial was built to be fire proof; it is not a reconstruction. The wording of this PP could be improved | PUB3-18
- 15 Photo text: Regarding the Coleman Residence, add "at the upper right" | PUB3-19
2nd PP: San Rafael and San Quentin Railroad was incorporated in 1869 and began operation in 1870 | PUB3-20
Footnote 16: shouldn't it read "Marin: A History, Barry Spitz ..."? | PUB3-21
- 16 2nd PP: "~~The incorporation~~ of the North Pacific Coast (NPC) followed ..." the date should relate to when it began operating | PUB3-22
- 17 3rd PP: "... stucco, but circa 1980, after a fire destroyed the top floor, the stucco was removed and the second story ~~was rebuilt to include more ornate detailing~~. | PUB3-23
- 18 Photo text: The Mahon House is believed to have been built 1879 or 1880 so the photo date is troubling. The original building, located behind and a bit separate from the mansard structure, is likely connected via a hallway | PUB3-24
Top PP: This PP has several inaccuracies - Albert's began in San Rafael, the department store was not "attracted" to the town. He apparently (according to ESR) moved around to different rental spaces. The image on ESR,65 is in the space currently occupied by Lundy's. Whether he started in that space in 1895 or elsewhere is confusing. In the 1898 photo the space is occupied by "The Oyster Depot". Either the date on the photo is in question or he returned to the same space later. A 1917 article in the Marin Journal (I think) stated that Albert's shop was kitty corner (SE) to the Aileen Apartments (NW). The retail space at 1216 4th Street, currently occupied by Scandinavian Designs, was built specifically for Albert by Herzog & Rake. | PUB3-25
Footnote 26: (rewrite) The information is inaccurate. References to "The Wonder" can be found on ESR,65 where it states it was "next to the southeast corner of 4th and B." ESR,67 shows the McDermott Building with an awning that matches that on ESR,65. The SW corner was a bank building with no commercial/retail openings (see page 28 [2-16]); finally "The building stood as the first of what would become a chain of stores across the county (and in Richmond), later known as Albert's Emporium. ERS,59". This page reference relates very little to the text. | PUB3-26
- 19 typo: 1850s |
Footnote 28: should read "A Field Guide to American Houses, Virginia Lee McAlester (McAlester), (Alfred A. Knopf, New York, 2013), 282-302. There on just "McAlester, #" | PUB3-27
Footnote 31: use shortened abbreviation "HRI" suggested on page 17 | PUB3-28
- 20 Top line: why is "Landmark" capitalized? This should read "local landmark"; the "crown" (not an appropriate reference) has also been lost and this information could be added to the text; and remove "at the first story" as storefronts are always on the ground floor | PUB3-29
Photo text: "... or hotel rooms on the ~~second~~ upper floors" The mansard roof form was created to hide living area for tax purposes in Paris | PUB3-30
Footnote 33 & 36: Shorten to "McAlester, 242" Footnote 35: "HRI" | PUB3-31

- 21 Photo text: It might be good to add the information that the upper floor was built as offices | PUB3-32
- 2nd PP: Coleman House is most likely not the oldest; during a search of newspaper articles several years ago I discovered that Skidmore purchased the property in a tax sale in 1851 or 1852 and subsequently built the original structure. This clarified (at least for me) that that “Maple Lawn” (1849), the Elks Lodge, is first still extant. | PUB3-33
- 23 1st PP: could add “... School opened on E Street, marking the ...” | PUB3-34
- 2nd PP: “... religious institutions began to take shape where the Mission San Rafael Arcángel once stood.” | PUB3-35
Does that make sense? They took shape in many places, more often on or in the vicinity of E Street
- Photo text: “Church of St. Raphael and school house at on Fifth Avenue and at A Street” | PUB3-36
- 24 Photo text 1: “... High School at on E Street ...” | PUB3-37
- 1st PP: A bit oblique > 1859 is not very “late 19th century”. The Parisian at A & 4th (1872) or The Albion House (1885) could be used instead | PUB3-38
- Photo text 2: “The San Hotel Rafael Hotel”; “... near Dominican University Convent and College”. Don’t know the name of the hotel company and do not know why it is important | PUB3-39
- 25 1st PP: “... community gatherings and school graduations” | PUB3-40
- 2nd PP: The reference to Robert Dollar is marginal. It may have come from the landmark application for the NWP Depot where he was included because his office building on California Street was also designed by F.H. Meyer. Many others could relate to this migration of wealthy men to town including W.T. Coleman, J.M. Donahue (the younger), S.V. Smith (an attorney who was known as the first to regularly commute to work in the city) and A.W. Foster. | PUB3-41
- “... now the West End ...etc” I don’t follow the logic of several sentences in this PP | PUB3-42
- 5th PP: Passenger service was not “relocated”, they were in competition with Sausalito winning the war due to the electrics. This is a very misleading PP | PUB3-43
- Footnote 48: does not have related information on ESR,37 | PUB3-44
- 26 1st PP: (This is the quote from ESR,37). The entire PP seems disjointed. The route of the “highway” is weird although I do not have direct knowledge however, it should be amended “... leaving San Rafael via Petaluma Blvd (Lincoln Ave).” | PUB3-45
- “In 1915 the San Rafael-Richmond Ferry was constructed in operation, offering carrying automobiles to and from San Rafael and Richmond.” | PUB3-46
- “In 1915 the railroad was still running, necessitating a new Northwestern Pacific Railroad Station”. The first (1884) station and the new (1929) station; how does that relate to 1915? | PUB3-47
- 3rd PP: “The last electric commuter train departed San Rafael for Sausalito in 1941, the same ...” | PUB3-48
- Footnote 49: The author usually comes after the title | PUB3-49
- Footnote 50: As this is the first reference add “... -2000 (MSR), (Acacia ...” then use regularly after | PUB3-50
- 27 1st PP: Where does the date “1890 railroad shed” come from? ESR,40 states the building was completed May 1, 1884 | PUB3-51
- Photo text: the address of the NWP B Street Station is **728**. 720 is for the newer apartments behind | PUB3-52
- 2nd PP: See Item 3 in “Major Concerns” March 7, 2021 - suggest to modify “... which was built as the Victrola Pavilion for at the 1915 ... across the bay from San Francisco to the foot of Shaver Street. The building first registered improvement club in California, they instigated many programs including street tree planting, became the staging area for mosquito eradication and other civic improvement projects.” | PUB3-53

- 27 Cont. Picture of courthouse is kind of flat, much less interesting than that shown on ESR,48 | PUB3-54
- 28 Since the Library is mentioned on page 27 (2-15) the library and courthouse images could be reversed. PUB3-55
 That the land for the library was donated by several families could be mentioned.
 The E Street Elementary School was constructed on the site of the first San Rafael High School at the northwest corner of ~~Second~~ Third and E Streets.” (It still stands today) | PUB3-56
 Photo text: 1 “Postcard of San Rafael looking ~~west~~ east ...” | PUB3-57
- 30 Photo text: Lootens Plaza Place, 1944. The photo date must be inaccurate. Albert’s was built in 1942, so it should appear in the picture just to the west of the El Camino. | PUB3-58
 Heading: “Spanish Colonial Revival/Mission Revival (Mission Revival) and later in the PP Just keep the Mission Revival as the style; don’t add “Mediterranean” to the mix. A comment relating to the joining of these very similar styles will be covered when looking past page 42. (under separate cover) | PUB3-59
 2nd PP: Addressing will be discussed in detail in the “Major Concerns” letter dated March 7th Item 6. The Aileen Apartments should primarily be 1009 B St/ 1200-1216 4th; the Central Hotel is 1226 4th. (**ESR,26 refers to the building as “Hotel Marin”; I will try to confirm which is correct with MHM**). “Known also as the Aileen Apartments” shows just how damaging using the commercial storefront addresses are; B St is secondary. The 4th street frontage is BELOW the building of that name. | PUB3-60
 3rd PP: “... building at 1447 4th Street. Designed by Frederick H Meyer it is the only building to survive the devastating fire that took out both sides of Fourth Street. Meyer’s expertise in the field of fire suppression, lessons learned from the 1906 earthquake, is likely the reason for its survival.” | PUB3-61
- 31 Photo text: “... is the Church of St. Raphael. Mission San Rafael Arcángel ~~The buildings standing today were~~ as it stands today is a reproduction designed ...” “ | PUB3-62
 It might be nice to add something like This was the only missing link in the string of 21 Franciscan Alta California missions having been demolished for its hand-hewn beams in 1861. | PUB3-63
 Clarification: The 1978 DPR suggests the current church is the 4th to stand on the original mission site; it is actually the 3rd. While the adobe structure melted, a small chapel was built behind (a bit west of) the “Mission mud heap”. There are pictures of that chapel after the mission was gone but it did not stand on the mission building site (1. the Mission (1821); 2. the wooden Gothic (1860); 3. the stucco SCR (1919) | PUB3-64
 1st PP: Regarding the Albert Building. “... as a skyscraper in Marin County. ~~The building housed what was to be a chain of small goods stores, and~~ was outfitted with modern conveniences of the time, including a manned elevator.” Comment: Albert may have used the storefronts on 4th for mercantile but the building’s primary use, along with its annex, was always office related. The chain was a fairly large enterprise with several branches including in Richmond. The elevator was manned until the operator retired, I believe in the early 1970s when it was automated. **Not sure it is the same elevator** | PUB3-65
- 32 Photo text: Most pictures have commentary and photo credits. | PUB3-66
 “Theatres”: This whole item seems fractured. The CMPC wasn’t the impetus for the public’s fascination with moving pictures. This seems to suggest that, if the studio hadn’t been built in Sun Valley, the public would not have cared to attend motion pictures. | PUB3-67
 1st PP: “... Corporation **brought** its studio ...”??? “... **and with it** a growing movie-going culture.” “... first building constructed specifically to show ~~movies, specifically~~ (silent) movies.” | PUB3-68
 Additional Commentary: Perhaps some info about the advent of sloping floors or other elements that make a “movie theatre” different from a converted storefront. Even Gordon’s Opera House (used for a time as a movie house) lacked the slope that later became the norm. | PUB3-69
 The El Camino’s first blow was its old sound system. The Rafael became the lead movie house in the county as it was the only theatre with a sound system capable of showing “Gone with the Wind”. | PUB3-70

- One of the most interesting things about the CMPC is that it was one of only two “natural light” movie studios outside of Hollywood, the other being in Fremont/Niles Canyon, Charlie Chaplin’s main studio; he did make one movie at CMPC. | PUB3-71
- Like this quote from ESR,114: “CMPC was formed in 1912. The company chose San Rafael for their location because of the perfect weather and scenic beauty. The studio buildings were constructed in Sur Valley with a background of grassy hills.” | PUB3-72
- 34 3rd PP: “Other notable examples ...” should be integrated into the 2nd PP after “... expansion at this time.” “Ferry strikes ...” should start 3rd PP and continue with “Rapid construction ...” | PUB3-73
- Last PP: The El Camino was not razed, it has been refaced (again). Look up, to see some remaining detail on the higher setback building | PUB3-74
- 35 Top image: Albert’s (later Macy’s) was built in 1942 but is not in this image. Question the photo date | PUB3-75
- 36 1st PP: “... destroyed the buildings on both sides of the block ...” The PG&E headquarters survived which could be mentioned again here - See Page 30 above for additional comments on 1447 4th. | PUB3-76
- 2nd PP: “On the site where “The Wonder” once stood, ~~the Wells Fargo Bank at 1203 Fourth was constructed in 1964.~~ **Not true** - PP needs to be reworked. See note on page 18, Footnote 26. The 1964 façade should be credited to Crocker Bank; part of the older building remains in the “private” banking area at the back. I remember walking by on my way home from SRHS, seeing that the building was not totally gone. | PUB3-77
- 37 The “Village” opened in 1985. The “Corte Madera Center” opened in 1958 and was remodeled and renamed the “Corte Madera Town Center” in 1985. The remodel was a result of the competition that developed across 101. | PUB3-78
- Heading: “Downtown Economic Decline ~~and the ...~~” Suggest adding a second heading one PP down “Formation of the San Rafael Redevelopment Agency (RDA)” | PUB3-79
- 38 1st PP: “(... the San Rafael Corporate Center, BioMarin Center/BioMarin campus ...” | PUB3-80
- 2nd PP: “(see below).” Revise: “ (Illustrations follow).” | PUB3-81
- 40 Some of the text on page 41 could be brought up onto the empty space on page 40 | PUB3-82
- 41 “Pharmecuitcal” spelling? | PUB3-83
- 42 If text moves up to page 40, remove the picture on page 42 and complete the info on page 41. There are so many pictures of that building, this one would not be missed. | PUB3-84
- With all the material to read, I had a problem concentrating on the remaining pages of the Appendix. The districts, many lists that follow and the disorganized Fact Sheets were too much while trying to edit all the rest. Now I will attempt to wrangle some order to the rest of the Appendix (?). | PUB3-85

March 7, 2021

Barry Miller, Consulting Project Manager
Community Development Department, City of San Rafael

Regarding: Major Concerns
General Plan 2040/Downtown Precise Plan

Dear Barry:

The object of this letter is an attempt to clear up several major elements that appear throughout the project documents. Mentioned in the text is "Appendix V"; where is this? Is this the Context Statement with the Fact Sheets? If so there is no reference in the title, title sheets or table of contents. The Appendix needs to be clearly noted and named

PUB4-1

The major items are listed in the order they appear in the Context letter, dated March 6, 2021. This is in the order of appearance and does not make any more or less important:

PUB4-2

- 1. **Maps and Figures:** This relates to all maps in the project documentation but in particular in the appendix up to page 42 (2-30); the remaining Figures will be covered in a continuation letter starting on page 43 (2-31).

PUB4-3

For an illustration see Figure 1-1 on Page 11 (1-5). The major issue with all maps is that the street names are too large, too long and rather fuzzy; a sharper font would be helpful. It is not necessary to include "Street" or "Avenue"; A, B, C, 1st, 2nd and 3rd should suffice; the reader would understand the shortened references.

PUB4-4

Where possible the labels could be placed outside of the Plan Area boundary. Lincoln, Lindaro, Grand, Irwin, Mission, B, C, D, G, H and 1st could all be moved out to clear the subject area. This would leave only A, E, F 2nd, 3rd, 4th and 5th within the DTPP boundary.

PUB4-5

It is not imperative that they line up vertically or horizontally or that the lettered street names are turned 90 degrees; just keep them in a location where they least affect all uses of this map. Note that "Hetherton" is on Tamalpais which is nameless.

PUB4-6

Suggest including other streets for reference, such as San Pedro, Anderson and Forbes. Even if they do not relate to the area of discussion, it helps orient the viewer.

PUB4-7

Latham Street District Boundary: Figure 1-2, Page 12 (1-6): The blue should either end at Ida or stop at the parcel line west of F. Now it includes the east side of G leaving the building at 11 (formerly 3) G Street within the survey area; noted as not being within it on the spreadsheet.

PUB4-8

- 2. **Footnotes:** They are too complicated. Typically they are listed "Title (abbreviation), Author, Publisher, Page #". In several cases on these documents they list "author" first and/or other variations. In some instances it might be better to use the author's name for the abbreviation; V. McAlester is highly recognizable as the author of a very informational book

PUB4-9

Many page numbers are missing and when shown are often questionable. Page 18 (2-6) refers to Albert's but relates minimally to the footnote text. Who will cross check this?

PUB4-10

The "Images of America" series covers at least a dozen towns in Marin County and hundreds across the country. The first reference in each chapter should have a full title and include an abbreviation. Page 13 (2-1) of the Context Statement, Footnote 1 should read "Images of America, Early San Rafael (ESR), Marin History Museum, (Acacia Publishing, Charleston, South Carolina, 2008) page #". Later on page 26 (2-14) when adding "Modern San Rafael" list the full title "... Rafael, (MSR), (Acacia ...), page #." From then on "ESR,#" and "MSR,#" are short, sweet and simple.

PUB4-11

I also question the use of "Ibid" especially over continuous pages. In Footnote 3 on page 13, two internet sites are listed together, is the "ibid" for one or both? Should they each get an abbreviation? Other abbreviations could be appropriate although few are as needed as ESR and MSR.

PUB4-12

Another good use of an abbreviation would be on page 17 (2-5) Footnote 25, use the full title once "Department of Parks and Recreation Historic Resources Inventory (Charles Hall Page & Associates, Inc.) (HRI) form ...". Then beginning on page 19 (2-7), Footnote 31 would read "HRI form for 1321 Fourth Street, ~~San Rafael~~. Recorded by Niki Simons, 1977" Do we really need the city name?

PUB4-13

- 3 **Victrola Pavilion/San Rafael Improvement Club:** This building and its official listing on the National Register of Historic Places should honor the buildings origin as the "Victrola Pavilion" from the 1915 Panama-Pacific International Expedition. The property is on the odd side of 5th Avenue; the address is 1801 (1800) 5th Avenue. The NRHP listing should be updated.

PUB4-14

Additional Information:

1. The SRIC was the first chartered improvement club in the State of California and disbanded in 2001 just shy of its 100th. The ladies who filed the nomination for NR listing likely intentionally misaddressed their clubhouse as 1800 sounds more prestigious. Now and in the future use the real address.

PUB4-15

2. The building was brought to San Rafael as a gift to Leon Douglas, the inventor of early color film, a precursor to Technicolor. He was a founder of the RCA Victor Talking Machine Company and created the slogan "His Master's Voice". Douglas lived in the Donahue Mansion on Petaluma Blvd (Lincoln Ave) between Prospect and Paloma where his laboratory/studio still stands.

PUB4-16

It is believed the pavilion was originally earmarked to be part of Mahon's Santa Venetia development. As that never came to fruition, it was instead delivered to the foot of Shaver to be trucked to its current location for the clubhouse. The property was donated by A.W. Foster on land he had used as tennis courts. If helpful there is more on Leon Douglas (ESR,115) and in "The Rafael - San Rafael and the Movies".

PUB4-17

4. **1986 Administrative Update:** (1978 address first followed by the update address). The only changes to the 1986 inventory were:

PUB4-18

- "McNears Barn – Peacock Gap" (originally listed between Paloma and Picnic) was moved to: "Biscayne Drive" – The Cultural Affairs Commission created its standing as a "local landmark" expressly for the purpose of forcing the developer to retain the footprint of and reuse the original brick from the barn slated for demolition. It is the building to the northwest.

PUB4-19

- The old dairy site on Mary Street (1890 building demoed in 1983) was given the number "40"

PUB4-20

- "241 West End Avenue" was the original address of 10 Sentinel Court. The address is now used for a commercial building; re-addressed to join its neighbor at 14.

PUB4-21

- "901 B Street" was an incorrect listing for the "Delmonico House/Cosmopolitan Hotel"; re-addressed correctly: "747 B Street"

PUB4-22

- 1505 Fifth Avenue: Here is the real stickler! It appears that if a property undergoes an alteration it is flagged. This became apparent when looking over a more recent inventory received from the Planning Department in April 2018. One very pedestrian, cold grey Eichler became part of the "historic inventory" because of a bathroom remodel! It would be great to include a few **very well maintained** examples with appropriate colors, roof forms and landscaping or a special grouping, but not the entire development as alterations occur!

PUB4-23

Now to the mystery address of 1505 5th Avenue, the main entrance to the building at 1023 (1099) E St was undergoing ADA access improvements. Entrance to the building was briefly required through a side door which apparently created the need for a temporary address; this addition **was a mistake** on the 1986 Administrative Update and is a very easy fix.

PUB4-24

For confirmation please note that the APN shown for 1505 is the same as 1023 (1099) E Street. Conversely, the APN for the Chisholm Residence also matches; 1517 loses stature with the 1986 update. Please look in the original inventory boxes for 1023 E St to view the construction drawings so addressed.

PUB4-25

5. **Listing order:** The original 1978 inventory listed named streets first, lettered streets together and finally numbered streets at the end and in numerical order. The 2020 inventory mixes the names and letters together, then the numbered streets in alphabetical order; Fifth, First, Fourth, Second and Third!

PUB4-26

To make it even more maddening the Fact Sheets are even more scrambled. When trying to review this information, compare it to 1978 and view on Google, it forces the viewer to jump back and forth with the hardcopy printout and on the computer screen. This becomes even more irritating when looking at pages 43 to 46 (2-31 to 2-34) but that will be covered shortly, again under separate cover.

PUB4-27

6. **Primary Address:** Where a building is named, the first address should relate to that name. Two examples are the "Mahon House" and the "Aileen Apartments". 1330 is the center entrance to the "Mahon House" but has additional addresses on 4th. This should be: "1330 4th/1328-1336 4th" (not 1322 to 1328).

PUB4-28

Corner buildings such as the "Aileen Apartments" must be addressed as refers to its name; in this case "1009 B Street/1200-1216 4th Street". The 1978 inventory listed the 4th St addresses first; those are the retail spaces **below** the main named building.

PUB4-29

This carries over to many other buildings. Following the logic stated above:

PUB4-30

1. The McDermott building should be "938 B St/1147-1149 4th St".

PUB4-31

2. The Masonic Lodge should keep its decorative entry "1010 Lootens/ 882-894 4th"; Its new entry on is just that – new. They used the storefront on 4th, filling the space left vacant for its lack of feng shui (they chopped down that offending tree).

PUB4-32

3. The Peter Building should use its historic entrance to the upper floor (1240 4th/1242-1244 4th) in this case should the C St address be included?

PUB4-33

I will follow up with yet another communication to address the remaining pages of the appendix. There is so much to wrangle with it is easier to send in sets.

PUB4-34



March 8, 2021

To: Barry Miller, Consulting Project Manager
Community Development Department, City of San Rafael

Subject: Historic Resources Inventory Summary Report
Appendix ? Title page to Page 42 (2-30)
DEIR Appendix F – Cultural Resources Data

Barry

As stated in the Chapter 5 communication, what is Appendix V mentioned on pages 106 and 110. This title does not show up on the documents that I can find. As stated several times before, many of the same general issues mentioned in my February 24th communication continue. This includes various abbreviations, spaces and capitalization questions; some are highlighted in the attached PDF.

Again, greater detail will be addressed in a separate letter regarding major concerns that arise throughout the documents. They are identified below with item numbers to keep this list as short as possible. As clarified at last Monday’s meeting, at this time I am concentrating on the DTPP Chapter 5 and the Historic Resources Appendix (?). I assume where appropriate the information will be transferred to the DEIR Appendix F.

Page # *Comment*

Historic Resources Appendix V (232 Pages): Page 1-1 to 5-164 (is this the correct title?)

- 1 Chapter 5 of the DTPP is “Historic Resources Inventory Summary Report”- there is no reference to an Appendix #. As there are several Chapter 5s relating to this project with cross references to and fro, it makes all very difficult to follow.
- 5 Table of Contents: Again, the ability to move to chapters electronically would be very beneficial. The “Fact Sheets” should be “5-1”. At this point I cannot tell, are the titles are accurate? Are Appendix B and C something SRH could review?
- 7 1st PP: There is that date again, this first reference should be “January 1978”. All references should be “1978” or “1978/86”. At least here the 1986 version is clarified as “administratively updated”, 1986 should not be used as the “publication” date ever; but is often repeated later in the text.

It was the “asistencia” that was founded in 1817; saying the mission was founded is incorrect. This will be explained later in the text - let them wonder ...
- 10 Reference to “Chapter 5 of this Appendix to make clear where those “Fact Sheets” do appear and is it “Appendix A or V or WHAT?”
- 11 Figure 1-1, page 1-5: An issue relating to all maps; see Item 1 in Major Concerns letter to follow.
- 12 Figure 1-2, page 1-6: Boundary of the “Area not surveyed” around Latham Street – The color should either end at the back parcel line west of F, or go further to include 3 (11) G to Ida.
- 13 1st PP: “several centuries,”? Two hundred + 4 years - a bit of an exaggeration

2nd PP: Would like the sentence rewritten so the order is correct. “... 1817, Asistencia San Rafael Arcángel was founded in the Spanish colonial province of Alta California and gained full mission status as the 20th of 21 Franciscan missions in 1822”

Could the Hotel Rafael really be called “modest”?

13 Cont. Footnote 1: They are too complicated. See item 2 in "Major Concerns" dated March 7, 2021

Footnote 4: The Albert Building was built in 1920, how does that relate to the paragraph and 1937?

14 2nd PP: "... became, in turn, a railroad ~~depot~~ suburb, a regional ..."

4th PP: Another requirement of a mission settlement was a good supply of native (slave) labor

5th PP: The Miwok people had lost their hunter/gatherer life style and the land to wander. They had been in the servitude of the the church and their land cut into rancheros

"reconstruction" only applies to the 1949 structure. The 1919 Church of St. Raphael is a replacement when the c.1860 Gothic church burned. Because of that fire, the Spanish Colonial was built to be fire proof; it is not a reconstruction. The wording of this PP could be improved

15 Photo text: Regarding the Coleman Residence, add "at the upper right"

2nd PP: San Rafael and San Quentin Railroad was incorporated in 1869 and began operation in 1870

Footnote 16: shouldn't it read "Marin: A History, Barry Spitz ..."?

16 2nd PP: "~~The incorporation~~ of the North Pacific Coast (NPC) followed ..." the date should relate to when it began operating

17 3rd PP: "... stucco, but circa 1980, after a fire destroyed the top floor, the stucco was removed and the second story ~~was rebuilt to include more ornate detailing.~~

18 Photo text: The Mahon House is believed to have been built 1879 or 1880 so the photo date is troubling. The original building, located behind and a bit separate from the mansard structure, is likely connected via a hallway

Top PP: This PP has several inaccuracies - Albert's began in San Rafael, the department store was not "attracted" to the town. He apparently (according to ESR) moved around to different rental spaces. The image on ESR,65 is in the space currently occupied by Lundy's. Whether he started in that space in 1895 or elsewhere is confusing. In the 1898 photo the space is occupied by "The Oyster Depot". Either the date on the photo is in question or he returned to the same space later. A 1917 article in the Marin Journal (I think) stated that Albert's shop was kitty corner (SE) to the Aileen Apartments (NW). The retail space at 1216 4th Street, currently occupied by Scandinavian Designs, was built specifically for Albert by Herzog & Rake.

Footnote 26: (rewrite) The information is inaccurate. References to "The Wonder" can be found on ESR,65 where it states it was "next to the southeast corner of 4th and B." ESR,67 shows the McDermott Building with an awning that matches that on ESR,65. The SW corner was a bank building with no commercial/retail openings (see page 28 [2-16]); finally "The building stood as the first of what would become a chain of stores across the county (and in Richmond), later known as Albert's Emporium. ERS,59". This page reference relates very little to the text.

19 typo: 1850s

Footnote 28: should read "A Field Guide to American Houses, Virginia Lee McAlester (McAlester), (Alfred A. Knopf, New York, 2013), 282-302. There on just "McAlester, #"

Footnote 31: use shortened abbreviation "HRI" suggested on page 17

20 Top line: why is "Landmark" capitalized? This should read "local landmark"; the "crown" (not an appropriate reference) has also been lost and this information could be added to the text; and remove "at the first story" as storefronts are always on the ground floor

Photo text: "... or hotel rooms on the ~~second~~ upper floors" The mansard roof form was created to hide living area for tax purposes in Paris

Footnote 33 & 36: Shorten to "McAlester, 242" Footnote 35: "HRI"

- 21 Photo text: It might be good to add the information that the upper floor was built as offices
2nd PP: Coleman House is most likely not the oldest; during a search of newspaper articles several years ago I discovered that Skidmore purchased the property in a tax sale in 1851 or 1852 and subsequently built the original structure. This clarified (at least for me) that that "Maple Lawn" (1849), the Elks Lodge, is first still extant.
- 23 1st PP: could add "... School opened on E Street, marking the ..."
2nd PP: "... religious institutions began to take shape where the Mission San Rafael Arcángel once stood." Does that make sense? They took shape in many places, more often on or in the vicinity of E Street
Photo text: "Church of St. Raphael and school house at on Fifth Avenue and at A Street"
- 24 Photo text 1: "... High School at on E Street ..."
1st PP: A bit oblique > 1859 is not very "late 19th century". The Parisian at A & 4th (1872) or The Albion House (1885) could be used instead
Photo text 2: "The San Hotel Rafael Hotel"; "... near Dominican University Convent and College". Don't know the name of the hotel company and do not know why it is important
- 25 1st PP: "... community gatherings and school graduations"
2nd PP: The reference to Robert Dollar is marginal. It may have come from the landmark application for the NWP Depot where he was included because his office building on California Street was also designed by F.H. Meyer. Many others could relate to this migration of wealthy men to town including W.T. Coleman, J.M. Donahue (the younger), S.V. Smith (an attorney who was known as the first to regularly commute to work in the city) and A.W. Foster.
"... now the West End ...etc" I don't follow the logic of several sentences in this PP
5th PP: Passenger service was not "relocated", they were in competition with Sausalito winning the war due to the electrics. This is a very misleading PP
Footnote 48: does not have related information on ESR,37
- 26 1st PP: (This is the quote from ESR,37). The entire PP seems disjointed. The route of the "highway" is weird although I do not have direct knowledge however, it should be amended "... leaving San Rafael via Petaluma Blvd (Lincoln Ave)."
"In 1915 the San Rafael-Richmond Ferry was ~~constructed~~ in operation, offering carrying automobiles to and from San Rafael and Richmond."
"In 1915 the railroad was still running, necessitating a new Northwestern Pacific Railroad Station". The first (1884) station and the new (1929) station; how does that relate to 1915?
3rd PP: "The last electric commuter train departed San Rafael for Sausalito in 1941, the same ..."
Footnote 49: The author usually comes after the title
Footnote 50: As this is the first reference add "... -2000 (MSR), (Acacia ...)" then use regularly after
- 27 1st PP: Where does the date "1890 railroad shed" come from? ESR,40 states the building was completed May 1, 1884
Photo text: the address of the NWP B Street Station is **728**. 720 is for the newer apartments behind
2nd PP: See Item 3 in "Major Concerns" March 7, 2021 - suggest to modify "... which was built as the Victrola Pavilion ~~for~~ at the 1915 ... across the bay from San Francisco to the foot of Shaver Street. The building first registered improvement club in California, they instigated many programs including street tree planting, became the staging area for mosquito eradication and other civic improvement projects."

27 Cont. Picture of courthouse is kind of flat, much less interesting than that shown on ESR,48

28 Since the Library is mentioned on page 27 (2-15) the library and courthouse images could be reversed. That the land for the library was donated by several families could be mentioned.

The E Street Elementary School was constructed on the site of the first San Rafael High School at the northwest corner of ~~Second~~ Third and E Streets." (It still stands today)

Photo text: 1 "Postcard of San Rafael looking ~~west~~ east ..."

30 Photo text: Lootens ~~Plaza Place~~, 1944. The photo date must be inaccurate. Albert's was built in 1942, so it should appear in the picture just to the west of the El Camino.

Heading: "Spanish Colonial Revival/Mission Revival (Mission Revival) and later in the PP Just keep the Mission Revival as the style; don't add "Mediterranean" to the mix. A comment relating to the joining of these very similar styles will be covered when looking past page 42. (under separate cover)

2nd PP: Addressing will be discussed in detail in the "Major Concerns" letter dated March 7th Item 6. The Aileen Apartments should primarily be 1009 B St/ 1200-1216 4th; the Central Hotel is 1226 4th. (**ESR,26 refers to the building as "Hotel Marin"; I will try to confirm which is correct with MHM**). "Known also as the Aileen Apartments" shows just how damaging using the commercial storefront addresses are; B St is secondary. The 4th street frontage is BELOW the building of that name.

3rd PP: "... building at 1447 4th Street. Designed by Frederick H Meyer it is the only building to survive the devastating fire that took out both sides of Fourth Street. Meyer's expertise in the field of fire suppression, lessons learned from the 1906 earthquake, is likely the reason for its survival."

31 Photo text: "... is the Church of St. Raphael. Mission San Rafael Arcángel ~~The buildings standing today were~~ as it stands today is a reproduction designed ..." "

It might be nice to add something like This was the only missing link in the string of 21 Franciscan Alta California missions having been demolished for its hand-hewn beams in 1861.

Clarification: The 1978 DPR suggests the current church is the 4th to stand on the original mission site; it is actually the 3rd. While the adobe structure melted, a small chapel was built behind (a bit west of) the "Mission mud heap". There are pictures of that chapel after the mission was gone but it did not stand on the mission building site (1. the Mission (1821); 2. the wooden Gothic (1860); 3. the stucco SCR (1919)

1st PP: Regarding the Albert Building. "... as a skyscraper in Marin County. ~~The building housed what was to be a chain of small goods stores, and~~ was outfitted with modern conveniences of the time, including a manned elevator." Comment: Albert may have used the storefronts on 4th for mercantile but the building's primary use, along with its annex, was always office related. The chain was a fairly large enterprise with several branches including in Richmond. The elevator was manned until the operator retired, I believe in the early 1970s when it was automated. **Not sure it is the same elevator**

32 Photo text: Most pictures have commentary and photo credits.

"Theatres": This whole item seems fractured. The CMPC wasn't the impetus for the public's fascination with moving pictures. This seems to suggest that, if the studio hadn't been built in Sun Valley, the public would not have cared to attend motion pictures.

1st PP: "... Corporation brought its studio ..."??? "... and with it a growing movie-going culture." "... first building constructed specifically to show ~~movies, specifically~~ (silent) movies."

Additional Commentary: Perhaps some info about the advent of sloping floors or other elements that make a "movie theatre" different from a converted storefront. Even Gordon's Opera House (used for a time as a movie house) lacked the slope that later became the norm.

The El Camino's first blow was its old sound system. The Rafael became the lead movie house in the county as it was the only theatre with a sound system capable of showing "Gone with the Wind".

One of the most interesting things about the CMPC is that it was one of only two “natural light” movie studios outside of Hollywood, the other being in Fremont/Niles Canyon, Charlie Chaplin’s main studio; he did make one movie at CMPC.

Like this quote from ESR,114: “CMPC was formed in 1912. The company chose San Rafael for their location because of the perfect weather and scenic beauty. The studio buildings were constructed in Sun Valley with a background of grassy hills.”

34 3rd PP: “Other notable examples ...” should be integrated into the 2nd PP after “... expansion at this time.” “Ferry strikes ...” should start 3rd PP and continue with “Rapid construction ...”

Last PP: The El Camino was not razed, it has been refaced (again). Look up, to see some remaining detail on the higher setback building

35 Top image: Albert’s (later Macy’s) was built in 1942 but is not in this image. Question the photo date

36 1st PP: “... destroyed the buildings on both sides of the block ...” The PG&E headquarters survived which could be mentioned again here - See Page 30 above for additional comments on 1447 4th.

2nd PP: “On the site where “The Wonder” once stood, ~~the Wells Fargo Bank at 1203 Fourth was constructed in 1964.~~ **Not true** - PP needs to be reworked. See note on page 18, Footnote 26. The 1964 façade should be credited to Crocker Bank; part of the older building remains in the “private” banking area at the back. I remember walking by on my way home from SRHS, seeing that the building was not totally gone.

37 The “Village” opened in 1985. The “Corte Madera Center” opened in 1958 and was remodeled and renamed the “Corte Madera Town Center” in 1985. The remodel was a result of the competition that developed across 101.

Heading: “Downtown Economic Decline ~~and the ...~~” Suggest adding a second heading one PP down “Formation of the San Rafael Redevelopment Agency (RDA)”

38 1st PP: “(... the San Rafael Corporate Center, ~~BioMarin Center~~/BioMarin campus ...”

2nd PP: “(see below).” Revise: “ (Illustrations follow).”

40 Some of the text on page 41 could be brought up onto the empty space on page 40

41 “Pharmecuitcal” spelling?

42 If text moves up to page 40, remove the picture on page 42 and complete the info on page 41. There are so many pictures of that building, this one would not be missed.

With all the material to read, I had a problem concentrating on the remaining pages of the Appendix. The districts, many lists that follow and the disorganized Fact Sheets were too much while trying to edit all the rest. Now I will attempt to wrangle some order to the rest of this appendix.

Public Comment PUB6

Public Comment on General Plan EIR

Liza <lizahr@gmail.com>

Mon 3/8/2021 2:01 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Cc: Lindsay Lara <Lindsay.Lara@cityofsanrafael.org>

Mr. Miller,

These comments concern Section 4.4 Biological Resources and are in addition to my February 19 comments concerning the omission of the 1929 Northwestern Pacific Railroad Depot building from our historical inventory.

PUB6-1

Section 4.4 Table 4.4-1 contains numerous numerical errors in the percentage column; these should be corrected in the Final and/or explained in a footnote.

PUB6-2

The description of CNDDDB as "monitoring" special-status wildlife is inaccurate. CNDDDB records observations submitted to it by field scientists; it does not survey or monitor at all. Occurrence records for CNDDDB species are submitted for areas under study; the absence of such records does not indicate that a species is absent, merely that it has not been observed and recorded in the database in that location. Please correct p.4.4-17.

PUB6-3

Figure 4.4-3 omits the locations of Northern Spotted Owl nests. While the precise locations should not be disclosed in a public document, the approximate locations of owl activity centers should be included on the map or noted in the legend, lest it appear that no special-status species have been recorded in areas where they in fact have been recorded. For example, the Northern Spotted Owl activity center on Southern Heights ridge is within the EIR study area and its foraging habitat may include the Downtown Precise Plan area. Please update the figure.

PUB6-4

Impact BIO-1 similarly omits any mention of the Northern Spotted Owl. Although this species would be covered under the Migratory Bird Treaty Act along with all other native migratory birds, a greater level of protection should be considered for a federally threatened species within our city. Any work conducted in the vicinity of Northern Spotted Owls should avoid the nest with a buffer of at least 1/4-mile, and include biological monitoring to ensure the nesting owls are not disturbed.

PUB6-5

In Impact BIO-2, Policy C-1.12 only protects oak woodlands, and fails to provide any safeguard for Redwood forests, buckeye woodlands, native grasslands and other upland sensitive communities within the EIR study area. Mitigation Measure BIO-2 should be updated to require a survey by a qualified biologist to ascertain presence of all these communities, *and* to avoid or mitigate impacts to any sensitive communities present, before approval of development permits. Simply identifying the presence of a sensitive community is not sufficient to mitigate impacts. The wording of Measure BIO-3 is similarly inconclusive, stating only that surveys shall be conducted for wetland and waters, where it should state that surveyed areas will be avoided or fully mitigated.

PUB6-6

Thank you for your attention to my comments.

Sincerely,

Liza Wozniak

March 9, 2021

Barry Miller, Consulting Project Manager
Community Development Department, City of San Rafael

Regarding: Appendix (?) page 2-31 to 5-5
Page 43 to 73 in full document

Dear Barry:

On we go! There are many issues relating to the lists; if the intent was to make a comprehensive review impossible, it almost worked. All lists on pages 43 to 46 appear to be ordered by the date of construction, yet this information is at the end in parentheses (...). It would be easier for a reader to follow by; 1. Address to cross check with; 2. the 1978 hard copy to; 3. view online (Google Maps); and 4. find the related Fact Sheet. The Fact Sheets create a whole different problem to be covered in another letter.

PUB7-1

In this first set of lists there are repeated addresses under different headings and styles and street addresses are out of order even without construction dates. The spreadsheet provided to Jeff Rhoads was very helpful as a means to organize and will be submitted soon. I have added more information, including whether a building was considered or rated in 1978, reordered to use the format created in the 1978: 1. Named Streets; 2. Lettered Streets; and 3. Numbered Streets (in numerical order).

PUB7-2

Here the page numbers will be based on the mark-up, pages 1 to 8:

PUB7-3

Page

Comment

1 728 A (720 A is the apartment building to the rear). What occurred in 1915? And the building date is 1930

PUB7-4

930 Tamalpais: "Northwestern"

PUB7-5

"Automobile-Related" lists 866 4th; on the 1978 survey this address was only as related to the delivery building at 835 5th Avenue. 866 may have many years ago been related to auto sales but its façade has been severely altered. SRH considers it an 'E' or less (suggesting don't bother to consider)

PUB7-6

Heading: "Mid-Century Modern-Auto"

PUB7-7

740 A Street: definitely NOT auto-related

PUB7-8

707 C Street: It is probably an office with 2 parking spaces in front but otherwise NOT auto-related

PUB7-9

Use full name: "The Church of St. Raphael (1919) and Mission San Rafael Arcángel (1949)" recreation

PUB7-10

Carnegie Library: 1904? Perhaps it was on the drawing board but not under construction yet.

PUB7-11

1801 (1800) 5th Avenue: Victrola Pavilion/San Rafael Improvement Club 1915/1916 (arrived on site)

PUB7-12

1221 4th (1872) There is an earlier vintage building in back which was moved slightly to allow the Grosjean & Co 4th Street frontage. It may not be the original façade but "Vernacular"?

PUB7-13

2 844-848 B: Original DPR indicates this is "Queen Anne Commercial" (Milani Building)

PUB7-14

1325 3rd: Major recent alterations; If a farm house why would it be listed "Commercial" – barn?

PUB7-15

1009 B St/1200-1216 4th: List by building name not commercial frontage

PUB7-16

1203 4th: Give credit to who did the alterations "- Crocker Bank (1964)" or if you must "/Wells Fargo"

PUB7-17

938 B/1147-1149 4th: the building name "Mulberry House/McDermott Building is on B.

PUB7-18

924 B: The M. Herzog building should be considered as "contributory" at a minimum. It was fancied up a few years ago but that should not disqualify it as a historic resource and part of the historic district.

PUB7-19

- 2 Cont. 724 B: the 1978 DPR states 1883. Where does 1886 come from | PUB7-20
709-711 4th: to conform, list all addresses | PUB7-21
Heading: Would like to include both revival styles together "Mission Revival/Spanish Colonial Revival (Mission Revival)". The text under Mission Revival discusses/relates to both; this separation just adds to the confusion. | PUB7-22
They are related and the differences so minor - never add "Mediterranean" to the mix
Add to Neo-Classical list (two buildings with Fact Sheets at the SE & SW corner of G & 4th. | PUB7-23
1300 4th: "~~Bank of America~~" This name change was the result of a merger with Bank of Italy. The styling of the building was entirely due to its origin | PUB7-24
- 3 1553-1557 4th: more Vernacular or something | PUB7-25
926 4th: The El Camino??? Maybe once a SCR but no longer | PUB7-26
901 B: was misaddressed in 1978, corrected to 747 B - Hotels: There are several more | PUB7-27
1030 3rd: was built by/for Wells Fargo | PUB7-28
Recreation/entertainment: Add George's Pool Hall and Gordon's Opera House 1333 4th | PUB7-29
1130 Mission: what is 1120? Construction date closer to 1852 - Skidmore bought it in a tax sale c1851 | PUB7-30
1623 & 1627 5th: (reverse order) the listed buildings are now 1623A and 1623C. B & D were relocated to the site | PUB7-31
Heading Queen Anne: The only two styles elaborated on were Mission Revival and Queen Anne; should others be further described? The combination between uses and styles seem to be intermixed | PUB7-32
- 4 *These lists are so mixed up and difficult to navigate I gave up trying to make sense of it all* | PUB7-33
1637 5th: There is no 1635 | PUB7-34
30 Latham: I understood this was not in the survey area. It is minimally "Craftsman" | PUB7-35
Hipped Rood Cottage: Is that really a style? | PUB7-36
- 5 The Survey – 1st PP: "... published in 1986. That report updated a ~~1977~~ 1978 inventory ..." See Item 4 (3/7 letter) | PUB7-37
Footnote 1: Remove – See Item 4 in letter dated March 7, 2021 | PUB7-38
- 6 1st PP: Full name of church | PUB7-39
- 7 "The fact sheets are presented as Chapter 5 of this ~~report~~ Appendix" *There are too many Chapter 5s* | PUB7-40
The DPR forms are singular this should read "Primary Record (DPR523A) and Building Record (DPR523B)" | PUB7-41
- Chapter 4. Survey Finding: I cannot address everything within this chapter as I do not agree with much of the 2020 survey. It is my expectation that much of this text will be altered, therefore, the notes beyond this point will relate only to specific text and not to the content. | PUB7-42
- The page numbers in the original document are 51 to 73 here they will be based on the mark-up, pages 1 to 23: | PUB7-43
- 1 Previously Designated Historic Landmarks: "... and the Victrola Pavilion/San Rafael Improvement Club (1801 5th Ave) ... Church of St. Raphael and Mission San Rafael Archangel (1104 5th Ave) | PUB7-44
Footnote 1: "... ~~1986~~ 1978 Survey ..." See Major Concerns letter, Item 4. | PUB7-45
- 2 Mulberry House: Reverse address - See Major Concerns letter, Item 6. | PUB7-46
1517 5th: "(See footnote at bottom of page) this should have been "³" | PUB7-47
Table 4-1: Add Boyd Gatehouse & Park; Victoria Pavilion, add full name of church and dump the question on 1517 5th. | PUB7-48

- 2 Cont. Victorian Village: "... addressed as 1623, Units A-D through a ..." (*Units A and C are on the 1978 survey only*) | PUB7-49
Footnote 3: See Major Concerns letter, Item 4. | PUB7-50
- 3 "... the four-story Classical Revival Albert Department Store building, the first high-rise office building in San ..." | PUB7-51
- 4-6 As will be suggested in communication from Jeff Rhoads, the boundary of the West Downtown Core Historic District (Figure 4-1) should be greatly simplified. | PUB7-52
Table 4-2: Begins at "5" where are numbers 1 to 4? These lists may be modified | PUB7-53
- 7-8 Similar comment for East Downtown Core Historic District (Figure 4-2) | PUB7-54
The Masonic Building is offices and lodge – not residential. There may have a few rooms for visiting Masons but no permanent housing. | PUB7-55
The Fenix building was on the 1978/86 inventory | PUB7-56
854-866 Fourth was not really listed – the building at 835 5th was the reason for it being shown in 1978 did not have an address at the time | PUB7-57
- 9 1801 5th (1800) why must this continue | PUB7-58
Table 4-4: An example of "Fifth" before "Fourth"; numbered streets should not be listed alphabetically? | PUB7-59
- 10-11 Figure 4-3: Remove stars and apply a color to listed buildings. Did not review lists | PUB7-60
- 12 This is a repeat of the area shown on page 4 - Omit | PUB7-61
- 13 Figure 4-5 Gateway Area: replace stars with a color or shade; There is room on the page to increase the area of the illustration to get the legend out of the way. | PUB7-62
- 14 Second part of list: 1123 Court, 1135 Mission seem out of the area | PUB7-63
- 15 Chisholm and Schlosser-Cole Residences: See "Major Concerns" dated March 7, 2021 to clear this "discrepancy" | PUB7-64
930 Tamalpais: Must be rated higher. SRH has proposed as a local landmark | PUB7-65
- 19 **There are several Chapter 5s related to this project** making navigation totally maddening | PUB7-66
"SIS" need to include local importance; Add the full title of the church and mission | PUB7-67
- 20-23 Interestingly the addresses appear a **bit** more orderly. See Item 5 in letter dated March 7, 2021 | PUB7-68
The eligibility and rating of the buildings listed are subject to further discussion. Specific recommendations by item identification number follow: | PUB7-69
- Item 1: the address of the building is 728. The other address refers to the apartments at the rear of the lot. | PUB7-70
Missing: 739 A Street, the Scout headquarters on the southwest corner has a great deal of history | PUB7-71
- Item 14: "1009 B/1200-1216 Fourth" - *finally the right address order!* | PUB7-72
- Item 16: the Mulberry House is out of order, it should be 14. | PUB7-73
- Item 20: set 1 (named streets) – *set 1 starts the inventory list* | PUB7-74
- Items 31 to 46: set 3 (numerical streets) Numbered streets should be grouped together in numerical order | PUB7-75
- Item 40: This is the Chisholm Residence | PUB7-76
- Item 47: Out of address order | PUB7-77
- Item 48: On the corner of Miramar and 2nd; how did it get a First Street address? In this case I would use the Second Street address in set 3 (in numerical order) | PUB7-78

- Items 49 to 107: set 3 (numbered streets) list before "Fifth" | PUB7-79
- Item 65: 1010 Lootens should be primary | PUB7-80
- Items 80 and 81: These are new buildings and should not appear in this list at all. Having been built relatively close to their originals they could be considered "contributory" if a historic district is formed. | PUB7-81
- Item 84: "1333 4th/1327-1337 4th"; Gordon's Opera House should be first and it should get a higher rating | PUB7-82
- Item 85: out of order – should precede the opera house | PUB7-83
- Item 92: Should list as PG&E headquarters | PUB7-84
- Item 93: Need to check the addresses involved. Too many structures are included; "former"? it is still there | PUB7-85
- Items 108 to 132: set 1 (named streets) joining 1023 Court. | PUB7-86
- Item 109: Move to set 2 (lettered streets) and should receive a higher rating | PUB7-87
- Items 110 to 132: set 1 (named streets) | PUB7-88
- Items 133 to 143: set 3 (numbered streets) Second should precede Third | PUB7-89
- Item 144: This is out of the area, or should be | PUB7-90
- Items 145 and 146: set 1 (named streets); 146 should have a much higher rating sim to 145 | PUB7-91
- Item 147: The pictured building was moved to the site when the French Quarter was being developed. The addresses on Irwin relate more to the 1978 survey. This building is part of the historic district as are the relocated buildings at Victorian Village (Items 158 and 159) | PUB7-92
- Items 148 to 154: set 3 (numbered streets) and at least here Third does come before Fourth. | PUB7-93
- Item 155: set 1 (named streets) Lincoln is placed between Fourth and E - Wild! | PUB7-94
- Item 156: set 2 (lettered streets) use its original address – 1023 (1099) E - Schlosser-Cole House | PUB7-95
- Item 157: move with Item 156 | PUB7-96
- Item 158: set 3 (numbered streets) 1623 is the corner building (1623A) | PUB7-97
- Item 159: move with item 158; original address was 1627 (1623C). 1623B & 1623D were relocated to the site when the property was developed. All four structures are included in the historic district. | PUB7-98

A review of the Fact Sheets will follow. | PUB7-99





Downtown San Rafael Precise Plan Historic Resources **Inventory Summary Report**

December 2020

Downtown San Rafael Precise Plan Historic Resources **Inventory Summary Report**

**A companion document to the Downtown San Rafael Precise Plan and
the San Rafael General Plan 2040 Environmental Impact Report**

Prepared by the City of San Rafael

With assistance from Garavaglia Associates and Opticos Design

Published December 2020

Cover Photo Credits: Matthew X Kiernan

DRAFT

Table of Contents

	<u>Page</u>
1. Introduction.....	1-1
2. Historic Context of Downtown San Rafael.....	2-1
3. Methodology for 2019-20 Historic Properties Survey	3-1
4. Summary of Findings by Category	4-1
a. Previously Designated Historic Districts	
b. Previously Designated Historic Landmarks	
c. Potential New Historic Districts	
i. Individual Resources	
ii. Contributing Resources	
d. Individual Resources Outside of Potential Historic Districts	
e. Resources Requiring Additional Research	
f. Structures Removed from 1977/1986 Inventory	
g. Parcels With no Historic Resources	
5. "Fact Sheets" for Historic Properties.....	4-1
APPENDICES (*)	
A. Tabular Summaries of Existing Properties and Field Notes (Excel).....	A-1
B. DPR Forms for Properties Newly Added to the Inventory in 2019-2020.....	B-1
C. Updated DPR Forms for 1977/1986 Properties.....	C-1

() Please contact the City of San Rafael Planning Department for access to Appendices B and C. They include numerous large digital files.*

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1. Introduction

This report summarizes the findings of an inventory of historic resources completed as part of the San Rafael Downtown Precise Plan. The inventory builds on an historic inventory completed in 1977*¹ (and administratively updated in 1986), as well as research by individuals and organizations completed since the 1986 update. The principal findings are based on field surveys and archival research completed in 2019 and 2020, including the completion of Department of Parks and Recreation (DPR) 523 Forms for approximately 40 eligible historic properties. Survey work was completed by a team that included City staff, consultants, and volunteers from San Rafael Heritage. *1 dated January 1978

Background

As the oldest city in Marin County, San Rafael has many older buildings that contribute to its character and provide a tangible connection to the City's history. In 1977, the San Rafael City Council adopted a citywide survey of older, architecturally interesting buildings and structures known as the Historical/Architectural Survey. The survey was administratively updated in 1986 and includes 305 sites throughout the City. As of 2020, sixteen of these sites have been listed as local landmarks, and three have been designated as historic districts comprised of multiple structures. The remaining properties listed in the 1977/86 Survey are considered potential historic resources but are not formally landmarked.

About one-third of the buildings listed in the City's historic resources inventory are located in Downtown San Rafael. Downtown is where Mission San Rafael Arcangel was founded in 1817. San Rafael's heritage is rooted in this area, which represented the extent of the city's development for most of its first century. Downtown contains numerous buildings dating to the late 1800s and a large inventory of early 20th Century residential, commercial, and civic buildings. It also includes numerous mid-20th Century buildings that are eligible for consideration as historic resources today but were not when the survey was last updated in 1986.

During the next 20 years, much of San Rafael's growth is expected to occur Downtown. The area is well served by transit and public facilities, is relatively flat and centrally located, and includes a number of vacant and underutilized sites. As the center of commerce, culture, and civic life in San Rafael, it is also a logical place for compact, walkable development. Growth can reinforce the character of Downtown, help sustain local businesses, and relieve pressure for change in surrounding neighborhoods and open space areas. However, growth has the potential to adversely impact historic resources, making it important to have an up to date resource inventory, along with measures to mitigate potential impacts.

Establishing a comprehensive inventory of historic properties allows the City to develop regulations and standards that are tailored to Downtown's unique context. A current inventory can expedite the environmental review process and provide a clearer path forward for future

development. A historic property inventory can also provide an economic development tool, showcasing Downtown's unique assets, attracting visitors, and potentially providing access to state and federal funds, tax credits, and economic incentives for adaptive reuse. It also provides a way to "tell the story" of San Rafael for educational, cultural, and tourism purposes.

The Survey and the Downtown Precise Plan

In 2018, the City of San Rafael applied for and received a \$500,000 "One Bay Area Grant" (OBAG grant) to prepare a Downtown Precise Plan. The OBAG grant program was created by the Metropolitan Transportation Commission (MTC) to align MTC's investments in transportation infrastructure with support for focused growth. Established in 2012, OBAG taps federal funds to advance the Bay Area's land use and housing goals and target capital investments in "Priority Development Areas" (PDAs) around the region. Downtown San Rafael is designated as both a PDA and a Transit Priority Area (TPA) and was a logical recipient of an OBAG grant during the program's second funding cycle in 2017-18.

The OBAG grant provided an opportunity to update "Our Vision for Downtown San Rafael," a planning document that has served as Downtown's Master Plan since 1993. "Our Vision" provided the framework for Downtown zoning, public space improvements, and circulation improvements and guided Downtown development for most of the 1990s and early 2000s. In 2012, the City prepared a Station Area Plan for the SMART station vicinity, but that Plan covers only those areas within ½ mile of the SMART rail station. It was also conceptual in nature and not covered by an Environmental Impact Report.

The Downtown Precise Plan process provided as a vehicle for applying best practices in transit-oriented development (TOD) to San Rafael. Among its components are new height maps and height bonus opportunities, proposed public realm upgrades such as plazas and open spaces, new bicycle and pedestrian improvements, and affordable housing and anti-displacement strategies. The Plan includes a new Form Based Code that will replace existing Downtown zoning.

Updating the 1977/ 1986 historic resources inventory was a priority from the outset. When the City applied for the OBAG grant, it indicated its intent to use a portion of the funds for an updated survey. The task of updating the historic resources inventory was included in the City's Request for Proposals (RFP) in 2018. Because a complete overhaul of the inventory would have been cost-prohibitive, a more limited scope of services was sought. Roughly 20 percent of the grant was set aside for preservation activities. The remaining 80 percent was required for visioning, planning and design concepts, economic and housing studies, transportation planning, land use and design standards, preparation of the Form Based Code, and community engagement.

In January 2019, the City Council approved a contract with Opticos Design to lead the Precise Plan effort. The Opticos Team included Garavaglia Associates, a San Francisco-based architecture firm specializing in historic preservation and resource assessment. The focus of the historic survey work was two-fold:

- **Field Surveys.** This included verifying the historic integrity of previously inventoried structures, gathering data on structures that were not previously eligible but now met Secretary of the Interior Standards, and identifying properties with no visible historic resources.
- **DPR Forms.** Garavaglia prepared DPR forms for those properties that were newly identified as being eligible as historic resources. Their scope of work did not include updating the DPR forms initially developed in 1977/1986.

The original 1977 survey did not cover structures built in the 1940s, 50s, and 60s, as those buildings would not yet have reached the 50-year “look back” period generally used in such surveys. The 2019 survey did include these buildings, as they are now all at least 50 years old. In addition, the 2019 survey determined that several buildings from the pre-war era also warranted DPR forms, including some that were not deemed historic resources at the time of the 1986 survey. Nothing of consequence happened in 1986

Because of resource limitations, the 2019 survey further focused on those parts of Downtown where changes were most likely to occur during the Precise Plan’s 20-year horizon. Locations like Latham Street and Fifth Avenue (west of E Street) were not surveyed, as the Precise Plan does not propose land use changes in these areas. Most of the changes envisioned by the Precise Plan are in the vicinity of the San Rafael Transit Center and SMART station and along the Fourth Street corridor. These areas were comprehensively surveyed.

Organization of this Report

Following this introduction, this report provides a Historic Context Statement for Downtown San Rafael. The context statement describes the history of Downtown, including important events and periods in its development. It also describes the characteristic architectural styles of older Downtown buildings. The Context Statement provides a tool for determining whether individual buildings may be important or unique resources.

Chapter 3 describes the methodology and survey in greater detail. It includes the criteria for evaluating buildings and determining their eligibility as historic resources.

Chapter 4 presents the findings of the survey, classifying each parcel in San Rafael into one of the following categories:

- Existing historic landmarks
- Existing historic districts

- Eligible historic districts, including the individual resources and contributing resources in each district. This includes resources deemed eligible in 1977/86 and resources deemed eligible on 2019-20 that were not previously inventoried.
- Eligible individual resources (outside of districts), including those listed in 1977/86 and those newly eligible
- Older buildings that are not eligible (generally properties listed in 1977/86 that have since been compromised)
- Properties without historic resources

Chapter 5 provides “fact sheets” for approximately 160 properties that were surveyed in the 2019 field survey. Each fact sheet includes a photo and a template with background information on the property. The fact sheets include all properties Downtown that were designated as historic resources, or determined to be eligible, along with a number of properties determined to be ineligible based on the survey.

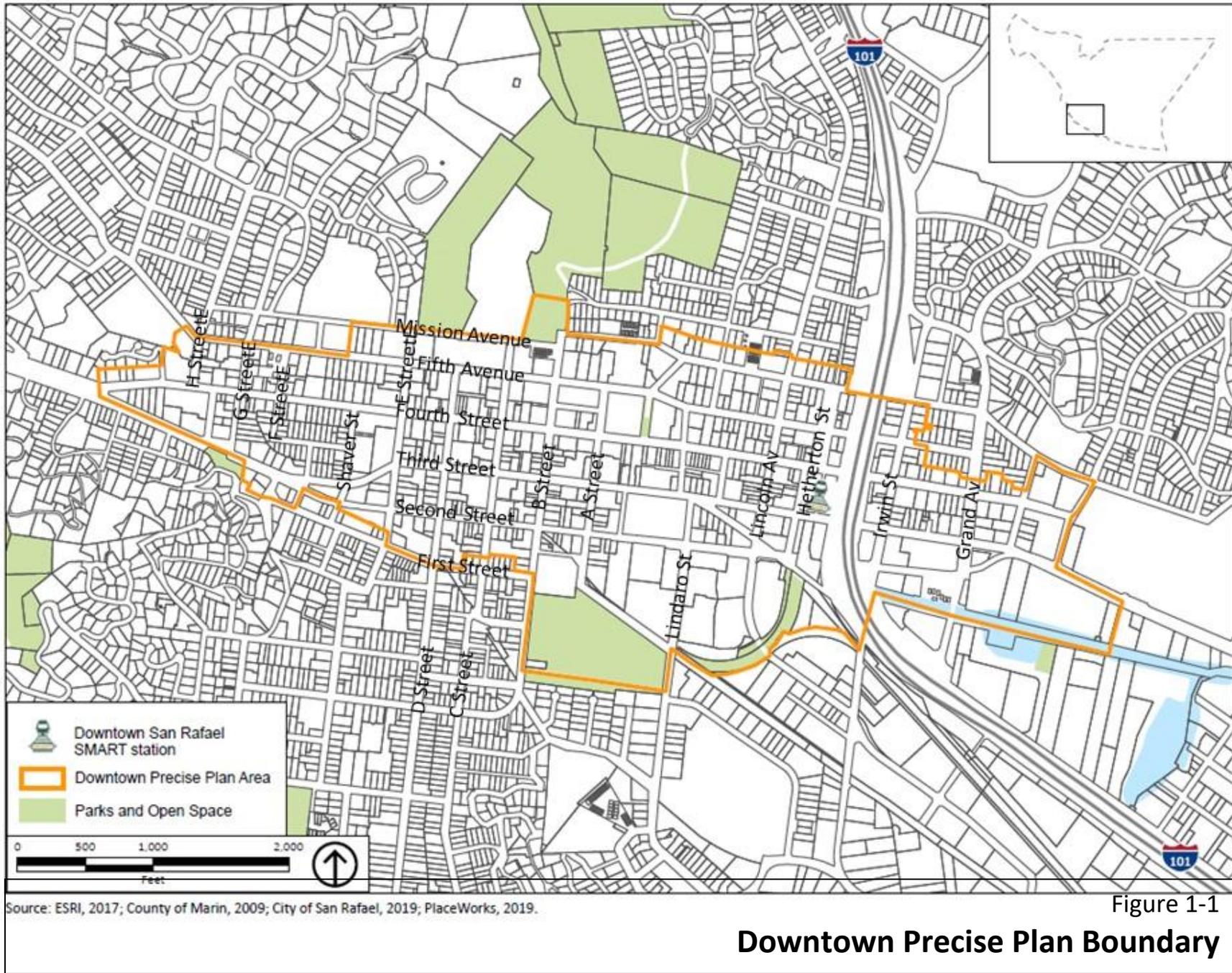
This report has three Appendices: Exactly where is "Appendix V"

Appendix A contains spreadsheets that were generated through the survey work. These spreadsheets were prepared using Excel and cover all 572 parcels in the study area. Addresses and Assessor Parcel Numbers (APNs) are provided for each record. As noted above (Chapter 5), 160 of these parcels were further documented on “Fact Sheets” while the remainder were outside the surveyed areas or determined to not have eligible resources.

Appendix B provides DPR forms for two eligible historic districts and approximately 40 eligible historic resources. All of these forms were prepared in 2020.

Appendix C provides DPR forms for properties surveyed in 1977/1986 but not resurveyed in 2019. Most of these forms were prepared more than 30 years ago and some may not meet current State standards. As a result, the City will be working on modernizing and updating these forms in the coming years so they become a more useful tool for evaluating for planning and building applications. Applicants seeking to alter such properties may be required to update these forms as a condition of approval, in the event they have not been updated by the City at the time of application.

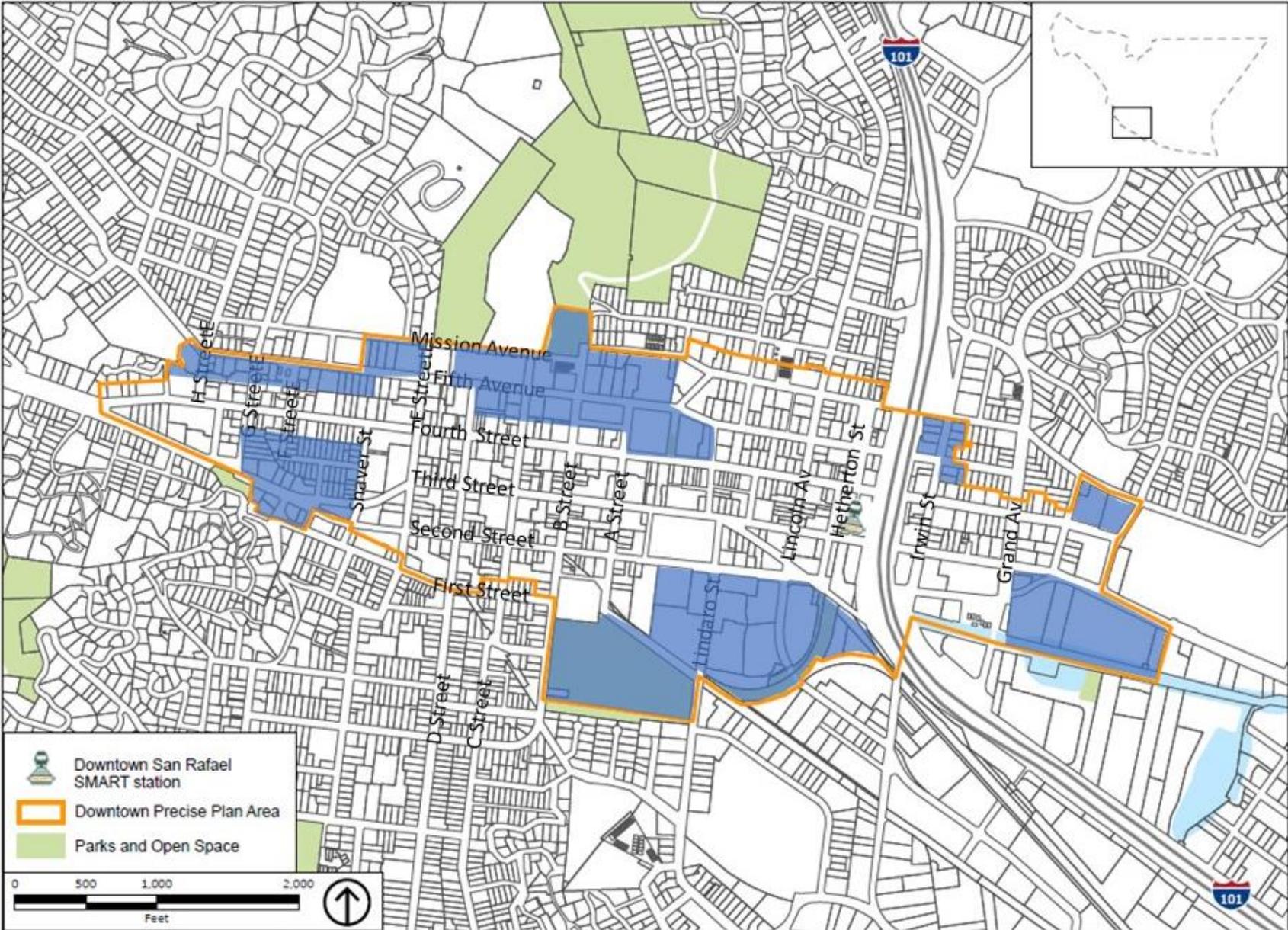
Figure 1-1 shows the Downtown Precise Plan Boundary. Figure 1-2 shows the areas that were excluded from the 2019-2020 field survey. Some of the excluded areas contain historic resources but are not expected to experience significant changes during the time horizon of the Precise Plan. Resources located in the excluded areas that were catalogued in 1977/1986 are listed in this report. However, there may be additional resources in these areas. In the event alterations are proposed in an excluded area, additional research may be needed to determine if the structure is a historic resource.



Source: ESRI, 2017; County of Marin, 2009; City of San Rafael, 2019; PlaceWorks, 2019.

Figure 1-1

Downtown Precise Plan Boundary



Source: ESRI, 2017; County of Marin, 2009; City of San Rafael, 2019; PlaceWorks, 2019.

 Area not surveyed

Figure 1-2
Downtown Areas Not Surveyed

2. Historic Context Statement

Preface

The historical and architectural development of San Rafael's Downtown forms a context from which existing and potential historic resources can be evaluated and preserved. The Downtown has evolved dramatically over **several centuries**, reinforcing San Rafael's prominence as the cultural, civic, and economic center of Marin County.

Historic Context Summary

Asistencia

The area that is now the City of San Rafael was once the site of several Coast Miwok villages, including the village of Nanaguani along San Rafael Creek inhabited by the Aguasto tribe.¹ In 1817, **Mission San Rafael Arcángel** was founded as the 20th of a total 21 Spanish missions in the Spanish colonial province of Alta California, and **gained full mission status** in 1822.²

San Rafael grew gradually after California statehood in 1850, entering an accelerated period of commercial and residential growth over the next several decades. Spurred by advances in transportation and train service to San Rafael, hotels and saloons were constructed to host a **modest** hospitality industry of summer and weekend visitors.³ By 1900, Fourth Street had developed into a premier commercial corridor in Marin County and the greater Bay Area.

The Hotel Rafael was far from modest

An influx of new residents came to San Rafael following the 1906 San Francisco earthquake and fire, triggering new residential development surrounding the Downtown core. The expansion of these neighborhoods created a foundation for the mixed residential/commercial areas in San Rafael, and the need for additional civic services.

The opening of the Golden Gate Bridge in 1937 and the increasing popularity of the automobile created a new connectivity between Marin County and San Francisco, stimulating a period of prosperity with the San Rafael's first "highrise" buildings.⁴ By this time San Rafael was also home to several theaters and venues to entertain the growing and diversifying population.

During World War II the Bay Area became a major hub for wartime industry, bringing waves of migration to San Rafael. Following WWII, there was a stark increase in population which necessitated a new type of suburban housing development, resulting in the construction of housing tracts and subdivisions outside of Downtown and into the eastern and northern portions of San Rafael. These events refocused downtown development to provide locally oriented goods

¹ **Marin County History Museum, *Images of America: Early San Rafael*, (Charleston, SC: Arcadia Publishing, 2008), 9.**

² "History of San Rafael," *San Rafael Chamber*, website. Accessed April 24, 2019. <http://srchamber.com/history-of-san-rafael/>; and, "History of Mission San Rafael Arcángel," *California Missions Foundation*, website. Accessed April 24, 2019. <http://californiamissionsfoundation.org/mission-san-rafael/>.

³ *Ibid.* **Which one and what page?**

⁴ **Known as the Albert Building**, the significance will be covered as an example of neo-classical architecture in the following sections.

and services to many working families now residing in San Rafael. In the years immediately after the war, San Rafael's Downtown continued to prosper, as department stores, restaurants, civic buildings, medical services, and institutions emerged. During this time, Downtown retail included JCPenney's and Albert's Department Store.

From the mid-twentieth century to the present, San Rafael's **downtown** has continued to be centered on the Fourth Street and B Street commercial corridors. Initially centered on the Mission and maritime routes to San Francisco, San Rafael became, in turn, a railroad **depot**, a regional wartime economic center, an auto-oriented county seat, and the commercial, **suburb** employment, and cultural center of Marin County and the greater Bay Area.

Native American and Spanish (Mission) Era

For thousands of years prior to the arrival of settlers from Spain and Mexico, the land that is now known as San Rafael contained several Coast Miwok villages. The earliest recorded account of the Coast Miwok people comes from a diary kept by a chaplain who was aboard Sir Francis Drake's ship that landed in Marin County in 1579.⁵ The Aguasto tribe of the Coast Miwok valued the location within the valley and adjacent to the Bay and built a village along San Rafael Creek which they called Nanaguani.⁶

When the Spanish arrived in the early 19th century they took advantage of the land that the Aguasto and Coast Miwok had cultivated, seeing opportunity in the **sunny weather and access to fresh water**.⁷ The Nanaguani village was taken as the site to establish an asistencia (hospital) for Mission Dolores in present day San Francisco.⁸ The fertile land and ideal climate proved fruitful for cultivating crops and raising livestock. The population of the site grew and the asistencia was raised to full mission status in the fall of 1822.⁹

Following the secularization of the missions in 1834, Mission San Rafael Arcángel was placed under the control of the administrators. **After this period the** Miwok people were kept in servitude by the Mexican land grant owners and were eventually granted land north of San Rafael.¹⁰ In 1837, Timothy Murphy was appointed as administrator, and by 1844, was granted three contiguous parcels that were eventually divided into smaller tracts that would shape the boundaries of San Rafael.¹¹ The Mission declined rapidly as an economic and political force and was largely abandoned by 1840. The ruins of the adobe building at the Mission site were removed in 1870, and what stands on the site now are **reconstructions** from 1919 and 1949.¹²

(FIGR) then later "History, FIGR"

⁵ "History," Federated Indians Graton Rancheria, website. Accessed online, December 3, 2020. <https://gratonrancheria.com/culture/history/>.

⁶ **Images of America: Early San Rafael**, 9. ESR, 9

⁷ *Ibid.*, 13. ESR, 13

⁸ "History of San Rafael," San Rafael Chamber, website. Accessed April 24, 2019. <http://srchamber.com/history-of-san-rafael/>; and, "History of Mission San Rafael Arcángel," California Missions Foundation, website. Accessed April 24, 2019. <http://californiamissionsfoundation.org/mission-san-rafael/>. Why a total repeat, use short form

⁹ **Images of America: Early San Rafael**, 13.; and California Missions Resource Center, San Rafael Arcángel Key Facts. (2019). Retrieved July 29, 2020, from <https://missionscalifornia.com/san-rafael-Arcángel-mission/key-facts>

¹⁰ "History," Federated Indians Graton Rancheria, website.

¹¹ **Images of America: Early San Rafael**, 19. ESR, 19

¹² California Missions Foundation. (2017, September 03). San Rafael Arcángel. Retrieved July 29, 2020, from <http://californiamissionsfoundation.org/mission-san-rafael/> -



Taken circa 1863-1877, this photo shows the Catholic church in the approximate location the Mission once stood and grave plots in front. The Coleman Residence, discussed in the Residential Growth section below, is also visible. (California State Library, California History Section Picture Catalog)
at upper right

Early Growth of the Town

The early shape of San Rafael formed around the original Spanish mission in the early 1840s, when immigrants first came to the area during the gold rush.¹³ No gold was found in San Rafael, but a thriving cattle farming business developed for the production and supply of beef to the San Francisco market and areas of the Gold Country.¹⁴ When California became a state in 1850, local land grants were divided into farms and city blocks, and former grants' owners made up the early population of San Rafael.¹⁵ San Rafael was later incorporated as a city in 1874.¹⁶

Expansion of the Railroad

The streetscape of San Rafael's commercial downtown developed along a typical pattern of regional growth from the late 1860s to the 1890s, when advances in transportation technologies and expansion in services determined the location for housing and businesses. In 1870, the San Rafael and San Quentin Railroad **was established**, offering a regular train service to Point San Quentin.¹⁷

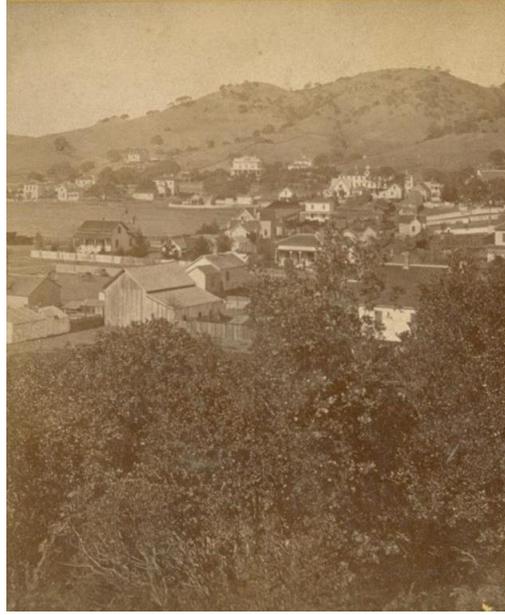
¹³ **Images of America: Early San Rafael**, ESR, Page #?

¹⁴ **Ibid.**, ESR, Page #?

¹⁵ **Ibid.**, ESR, Page #? Although "ibid" may be correct the lack of page numbers is not

¹⁶ Barry Spitz, **Marin: A History**, (Protrero Meadow Publishing, 2006), 111. Author follows title

¹⁷ **Marin: A History**, 97.



Views of San Rafael looking northeast (left), and northwest (right), circa 1858-1906 (Stereographs of the West from The Bancroft Library Pictorial Collection, ca. 1858-1906, UC Berkeley, Bancroft Library)

When the transcontinental railroad was completed in 1869, many unemployed Chinese immigrants came to San Francisco and the surrounding cities. In San Rafael a community was formed along the east side of C Street with shops, laundries, and gambling establishments.¹⁸ A Chinese community simultaneously formed a few miles east along San Pablo Bay, where nearly 500 people originally from Canton China lived and worked in a shrimp-fishing village.¹⁹

The **incorporation** of the **North Pacific Coast Railroad (NPC)** followed in 1871, which provided **San Rafael with a spur track that connected San Anselmo to the station at B Street.** A new depot was constructed in Tamalpais Avenue between Third and Fourth Streets in 1884, and passenger ferry services were provided with the extension of the San Francisco and North Pacific Railroad (SF&NP) in 1879. A faster and more reliable electric train service was ultimately introduced in 1903.²⁰

The railroad encouraged a modest hospitality industry of summer and weekend visitors that contributed to the growth of the town, with the opening of several hotels, saloons, and specialty shops.²¹ By 1900, Fourth Street had become a premier shopping area in Marin County.²²

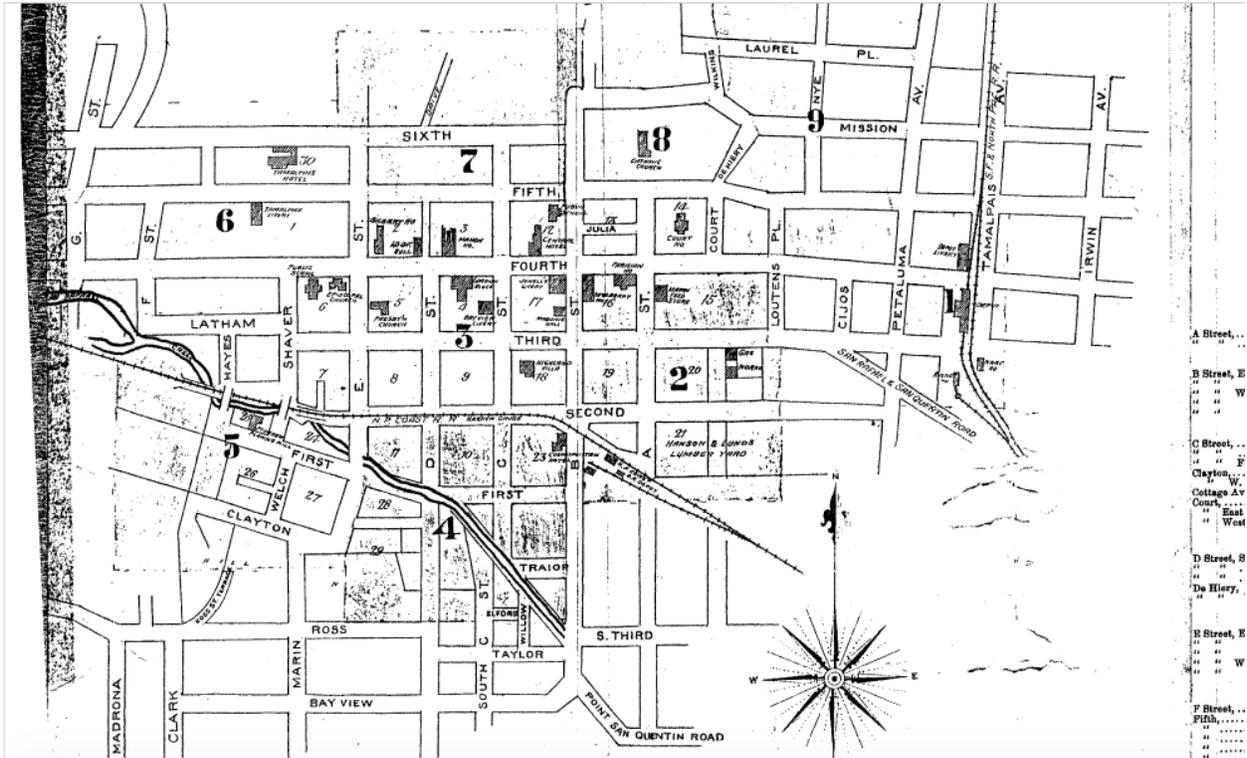
¹⁸ *Ibid.*, 59-121. **Marin: A History (I don't care for ibids)**

¹⁹ Today the remaining buildings have been preserved as a part of China Camp State Park. "China Camp State Park," California Department of Parks and Recreation, website. Accessed online, December 3, 2020. https://www.parks.ca.gov/?page_id=466.

²⁰ **Images of America: Early San Rafael.** **ESR, Page #s**

²¹ **Images of America: Early San Rafael.**

²² *Marin: A History*, 158.



The NPC and SF&NP railroads are clearly marked in the 1877 Sanborn Fire Insurance Map. (Sanborn Map & Publishing Co., May 1877)

Commercial Development

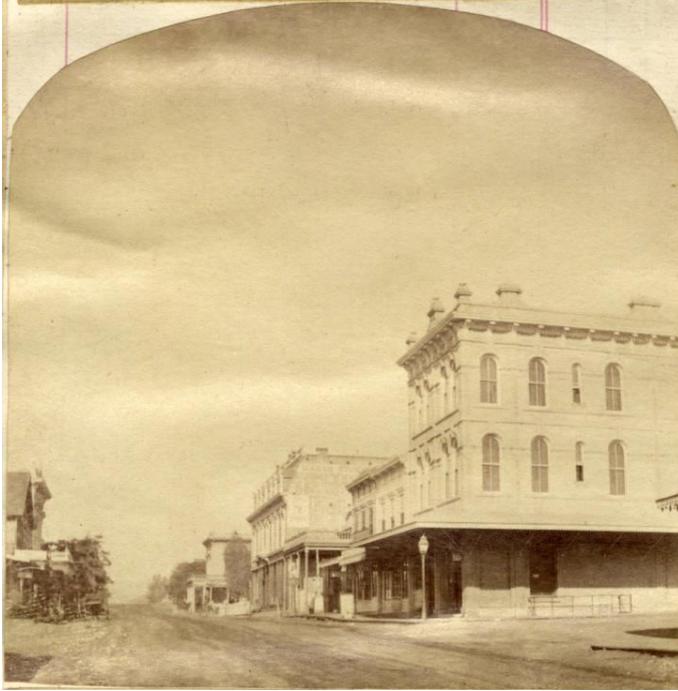
Early commercial development in the downtown area started to take place in the mid-1860s. John A. Davis and Daniel T. Taylor were credited for opening the first store that sold general merchandise, which was immediately followed by a meat market.²³ By 1866, the town had acquired three stores, two hotels, two boarding houses, one restaurant, two stables, three boot makers, two blacksmith shops, a butcher shop, a clock maker, a barber, three lawyers, and a physician.²⁴

This period saw Fourth Street become San Rafael’s “Main Street” with retail and commerce centered on the east-west thoroughfare. The rail station at B and Second streets also became a hub of activity with a smaller commercial district beginning to grow on the north-south axis connecting the rail junction to Fourth Street.

Much of the commercial development pattern in San Rafael was influenced by the rail lines. Most notably this can be seen in the design and construction of the Flatiron Building. Built in 1883, the structure originally functioned as a saloon and boarding house for nearby railroad workers.²⁵ By 1935 the building had been covered with stucco, but circa 1980 the stucco was removed and the second story was rebuilt to include more ornate detailing.

after a fire not sure about this - maybe cut

²³ Images of America: Early San Rafael. ERS, Page?
²⁴ Ibid. Page? (HRI) to simplify for later references
²⁵ Department of Parks and Recreation Historic Resources Inventory form for 724 B Street, San Rafael. Recorded by Niki Simons (Charles Hall Page & Associates, Inc.), 1977.



View looking west at the intersection of Fourth and C Streets, circa 1877. The photo shows the Centennial Building constructed in 1876, which was later replaced with the Bank of Italy building. (R. E. Wood Collection, California State University, Chico)

By the 1890's San Rafael was a commercial and cultural center and was taking on a shape we can recognize today. Fourth Street was a premier shopping area, attracting the largest department store in Marin County (owned by Jacob Albert and located at 1216 Fourth Street).²⁶ At this time, numerous businesses opened on A and B Street in the blocks below Fourth Street.

Commercial streets developed during this period, featuring a mixture of one-story single-business establishments and multi-story mixed-use buildings (typically residential, hotel rooms, or offices above ground-floor storefronts). Commercial buildings and storefronts aligned with turn-of-the-century regional trends, and increasingly featured multiple, narrow storefronts. Stylistically, the design of commercial buildings from this period was closely aligned with Victorian-period residential architectural styles.²⁷

In San Rafael, examples from this Victorian period include Italianate, Second Empire, and Queen-Anne elements applied to commercial construction. Elements of these styles can also be seen in buildings best described as vernacular in style, as well examples of Colonial Revival.

Italianate

The most common distinguishable style of this era in San Rafael is the Italianate Style. Italianate Style buildings were constructed in the United States between 1840 and 1885. The Italianate style, along with the gothic revival, began in England as part of the Picturesque

²⁶ In 1895 Jacob Albert opened "The Wonder" at the southwest corner of B and Fourth Streets. This building stood as the first of what would become a chain of stores across the county, later known as Albert's Emporium. *Images of America: Early San Rafael*, 59. This footnote relates very slightly to ESR, 59.

²⁷ City and County of San Francisco Planning Department, *Neighborhood Commercial Buildings: Historic Context Statement 1865-1965-Draft for Public Review*, February 17, 2016.

movement, a reaction of the formal classical ideals in art and architecture that had been fashionable for about two hundred years.²⁸ The movement emphasized rambling, informal Italian farmhouses and town squares as models for Italian style villa architecture. More formal Italian models from the renaissance or ancient Rome had led to the formation of the previous era of classicism and remained a principal artistic source during the reaction against earlier ideals. Italianate houses in the United States follow the informal rural model of the picturesque movement, and were modified, adapted and embellished. The initial Italianate houses in the United States were popularized by the influential pattern book of Andrew Jackson Downing published in the 1840s and 1850s. Other books for Italianate designs were Samuel Sloan's *The Model Architect*. Two chronological phases were distinguished in the development of the Italianate style in the United States, which include an earlier phase spanning the 1840s and 1850s with relatively simple detailing, and a later highly decorated phase from the 1860s through the 1870s (High Victorian Italianate).

The Italianate style was particularly common in the design of buildings in the expanding towns and cities of the Midwest and for the earlier towns near San Francisco. The style is generally characterized by “two or three story, low pitched roof with moderate to widely overhanging eaves having decorative brackets beneath, tall, narrow windows, commonly arched or curved above windows, frequently with elaborated crowns, often of inverted U shape; many examples with square cupola or tower.” Six subtypes of the style exist, with a multitude of variants and details.²⁹ The principal subtypes can be distinguished in simple hipped roof, centered gable, asymmetrical, towered, front-gabled roof, and town house. The principal areas of elaboration in Italianate houses are windows, cornices, porches, and doorways. Most examples comprise an intermixing of details derived from both informal rural models as well as formal Renaissance town homes.³⁰



The oldest standing example of a commercial Italianate structure in San Rafael is at 1321 Fourth Street. Originally built in 1871 to house a business for local banker Upton Gordon, the building continued to be used for banking purposes through the early decades of the 20th century.³¹ The building has gone through several renovations but retains Italianate detailing in the pedimented arched windows and decorative quoins.

²⁸ Virginia Lee McAlester, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2013), 282-302.

²⁹ *Ibid.* Page?

³⁰ *Ibid.* Page?

HRI

(McAlester, 282-302)

³¹ Department of Parks and Recreation Historic Resources Inventory form for 1321 Fourth Street, San Rafael. Recorded by Niki Simons (Charles Hall Page & Associates, Inc.), 1977.

Another prominent example of Italianate commercial architecture is the **Landmark** building at the corner of Fourth and B Street. The property was purchased by Patrick McDermott from William Coleman in 1883, and was built soon after as the “Mulberry House.”³² Although detail has been lost **at the first story** commercial storefront, the second story remains articulated with tall segmented windows with triangular pediments and brackets.

Second Empire

Second Empire was a popular style in the United States between 1855 and 1885. The style dominated residential homes in other regions between 1860 and 1880 but was rare on the West Coast. The Second Empire style was used for American civic buildings between 1869 and 1877 but fell out of fashion with an economic decline.³³

The identifying features of the Second Empire style include a mansard roof, dormer windows, molded cornices, and decorative brackets.³⁴



*Originally known as the Mahon House, the building at 1330 Fourth Street first appears on the 1879 Sanborn Fire Insurance Map of San Rafael. The first floor of the building has continuously been occupied with commercial space, with apartments or hotel rooms on the **second floor**.³⁵ upper floors*

Queen Anne

Elements of the Queen Anne style can be seen in a variety housing and commercial types over the turn of the twentieth century. Although there are several subtypes, Queen Anne style architecture is most identifiable through: steeply pitched roof or irregular shapes, often with a front-facing gable; articulated facades with details such as patterned shingles and cutaway bay windows; and asymmetrical facades.³⁶

The most notable example of Queen Anne commercial style can be seen at 844-48 B Street (1890), and at 1240 Fourth Street (1893). Both buildings feature corner towers, cantilevered bay windows, and decorative cornices.

³² *San Rafael Landmark Nomination*

³³ *A Field Guide to American Houses*, 242. McAlester, 242

³⁴ *Ibid.*, 241 HRI

³⁵ *Department of Parks and Recreation Historic Resources Inventory* form for 1330 Fourth Street, San Rafael. Recorded by Niki Simons (Charles Hall Page & Associates, Inc.), 1977.

³⁶ *A Field Guide to American Houses*, 242. McAlester, 242



French-born tailor and local proprietor Louis Peter built 1240 Fourth Street to operate his dry goods business, opened in 1893. As a prominent commercial anchor on Fourth Street.

Residential Growth

Although most of the residential growth during this period occurred in surrounding residential neighborhoods, several large residences and clusters of smaller residences were constructed in the Downtown area that are still present today.³⁷

The largest residence, and possibly the oldest standing building in San Rafael, is the Coleman House at 1330 Mission Avenue. The original wood frame portion of the house was believed to have been constructed circa 1849-1852, by pioneer and Marin County district attorney Walter Skidmore.³⁸ In 1866 the house was purchased by William Tell Coleman as a summer home, and oversaw additions designed by architect John M. Curtis.³⁹ (there is a long and sordid history here)

Other early residences in the Downtown area include 823-825 Mission Avenue (1881, designed Heatherton and Pelton), and the Falkirk Mansion (1888, designed by Clinton Day). From the late 1800s well into the 20th century, most of the residences that were developed in Downtown were multi-family units built above ground-floor retail space. Residential hotels were also constructed, such as the “Butchart Hotel,” now known as the La Casa Grande Apartments at 1330-1336 Fourth Street (see Mahon House above).

³⁷ *Images of America: Early San Rafael* ESR, Page?

³⁸ *Ibid.* Page

³⁹ *Ibid.* Page

Increase in Civic Development

As the population of San Rafael increased, the needs of the residents began to change. San Rafael was being cemented as the central city in the County, providing varied resources to the local community. As residences were constructed at the edges of Downtown and in the surrounding neighborhoods, civic needs were centralized Downtown. Several individuals who had immigrated to California during the gold rush played a fundamental role in the civic development of San Rafael. William Tell Coleman, for example, who had moved to San Rafael in 1871, was one of the most influential personalities in the construction of the Marin County Courthouse, development of the water system, promotion of the railroad, and construction of the Hotel Rafael.⁴⁰



View of early San Rafael, looking southwest from the Marin County Courthouse steps, undated (California History Section Picture Catalog, California State Library)



Civic pride was also gaining during this time, and many residents participated in a show of pride at the Grand Carnival Parade in 1908 (California History Section Picture Catalog, California State Library)

⁴⁰ *Ibid.* Page ? too many ibids in a row

Institutions

The first local school was built by pioneer James Miller in 1849 at the corner of Fourth and A Streets. Following in the direction of the increased residential development, private schools and academies were built outside of the Downtown core.⁴¹ However, a push for more substantial public school options led to the completion of the first public schoolhouse in 1862.⁴² The B Street School followed in 1870 and the Fourth Street Grammar School opened in 1886. In 1888 San Rafael High School **opened, marking** the construction of the first high school in Marin County.⁴³

Along with schools and civic structures, **religious institutions began to take shape where the Mission San Rafael Arcángel once stood.** In 1869 St. Paul's Episcopal Church was constructed in the Victorian Gothic style, designed by architect W.A. Boyd. In 1923 the church was moved to its' current location at 1123 Court Street, at which time the gothic spire was removed and the shingles were covered with stucco.⁴⁴



St. **Raphael's School at Fifth Avenue and A Street, circa** 1915 (Marin County Free Library. Anne T. Kent California Room)

⁴¹ **Images of America: Early San Rafael**, 79. ESR, 79

⁴² *Ibid.* Page ?

⁴³ *Ibid.*, 92-98; and *Marin: A History*, 135

HRI

⁴⁴ **Department of Parks and Recreation Historic Resources Inventory** form for 1123 Court Street, San Rafael. Recorded by Niki Simons (Charles Hall Page & Associates, Inc.), 1977.



San Rafael High School at E Street between Third and Fourth Streets, circa 1922 (Marin County Free Library. Anne T. Kent California Room)

San Rafael Becomes a Recreation Destination

Not sure about this paragraph

Although permanent residency increased in the **late 19th century**, the idyllic weather and rolling hills continued to attract vacationers and weekend visitors. Several hotels were constructed at this time, including the **Central Hotel at 1222 Fourth Street (1859)**, and the Delmonico House Hotel at the southwest corner of B and Second Streets (1876).⁴⁵

"Hotel Rafael"

The most prominent fixture of the vacation industry was the **San Rafael Hotel**, which was located northeast of Downtown near Dominican **University**. Developed by the **San Rafael Hotel Company** in 1887, the hotel attracted visitors from around the Bay Area until it was lost to a catastrophic fire in 1928.⁴⁶ (Marin County Free Library. Anne T. Kent California Room)



HRI

⁴⁵ **Department of Parks and Recreation Historic Resources Inventory** form for 1222 Fourth Street, **San Rafael**. Recorded by Ann Batman (**Charles Hall Page & Associates, Inc.**), 1977.

⁴⁶ *Marin: A History*, 134

To entertain the residents and visitors in San Rafael, a need for local entertainment grew. Known for many years as Gordon's Opera House, the building at 1333 Fourth Street was constructed for Upton Gordon. The first floor served as space for commercial business, while the open upper floor held a variety of shows and entertainment and provided a venue for **community gatherings**.

Evolution in the 20th Century

In the later years of the 19th century San Rafael had begun to be seen by some San Franciscans as a desirable escape from city life. Wealthy San Franciscans such as AP Hotaling, John H. Reddington, and **Robert Dollar** began to relocate to San Rafael, after regular ferry services became available travel between the two cities. There was an influx of new residents following the San Francisco earthquake and fire in 1906.⁴⁷ The increase in population triggered new development in the residential neighborhoods on the borders of the new downtown. The expansion of these neighborhoods created a foundation for the mixed residential/commercial areas in what is **now the West End as well as the residential neighborhoods immediately north of downtown**. The early twentieth century also saw an increased interest in the civic life of San Rafael, with the establishment of a Marin County Board of Supervisors, a local National Guard company, and construction of **new civic buildings**.⁴⁸

These changes were accelerated by the Japanese bombing of Pearl Harbor in December of 1941 and the entry of the United States into World War II. The Bay Area became a major hub for wartime industry, mainly shipping and arms production, bringing waves of migration and development to San Rafael. San Rafael's proximity to Point Richmond, the Mare Island shipyards and Marinship in Sausalito caused a severe housing shortage and the construction of many new homes, including the subdivision of existing housing. **These events refocused new development to provide locally oriented goods and services to many working families now residing** in San Rafael. The growth of nearby military installations such as Hamilton Army Air Base would also result in considerable impacts on **downtown** growth and commerce and set the stage for post-war suburban growth.

Even as the automobile became more ubiquitous, neighborhoods like the West End developed a "village" like character of small shops and residences.

Opening of the Golden Gate Bridge and Bay Area Transportation

Cynthia

The early 20th century saw a transformation of transportation infrastructure in San Rafael, beginning with the **relocation of passenger ferry service from Tiburon to Sausalito and the construction of the Northwestern Pacific electric interurban railway** system from the Sausalito ferry terminal. The interurban system was soon providing commuter service from southern Marin, the Ross Valley and San Rafael to San Francisco.

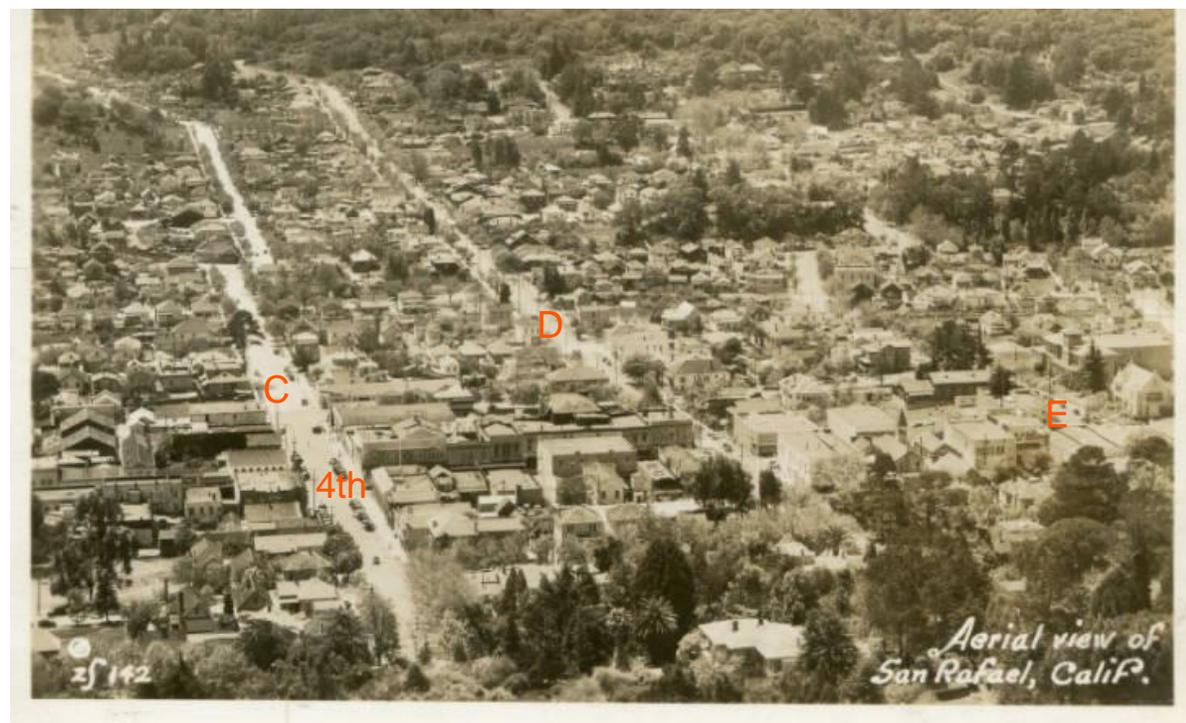
⁴⁷ *In the early morning hours of April 18, 1906, a massive earthquake rattled the Bay Area, and ignited a catastrophic fire in San Francisco. Destruction from the fire displaced thousands of San Francisco residents, forcing relocation to surrounding cities such as San Rafael.*

⁴⁸ *Images of America: Early San Rafael*, 37. **ESR, 37 (incorrect reference)**

This is the quote from ESR,37

As late as 1903, automobiles were banned from many Marin County roads, prohibited from night use, and limited to a 15 mile-per-hour speed. In 1909, a winding series of roads leading from Sausalito through the other towns of Marin County was designated a California state highway, an early step in the transformation of California's built environment around the personal automobile. Entering San Rafael from the west, the highway traveled along Fourth Street before turning north and leaving San Rafael via Lincoln Avenue. In 1915 the San Rafael-Richmond Ferry was constructed, offering automobile access from the east. In 1915 the railroad was still running, necessitating a new Northwestern Pacific Railroad Station.

The federal government had authorized the construction of US 101 in 1925, and by 1929 its Marin County route was under development. By the mid-1930s, US 101 was handling 1.5 million cars annually. Population growth and ever-increasing reliance on automobile transportation created demand for additional infrastructure, and federal funding made available by the New Deal allowed construction on the Golden Gate Bridge to begin in 1933.⁴⁹



San Rafael
High School
Episcopal
Church

Cynthia

Aerial view of San Rafael looking west, 1934. (Marin County Free Library. Anne T. Kent California Room)

The opening of the Golden Gate Bridge in 1937, and the increasing popularity of the automobile, improved connectivity between Marin County and San Francisco, effectively ending the rail era. The last commuter train departed from San Rafael in 1941, the same year a viaduct for Highway 101 was completed over San Rafael Creek.⁵⁰ This raised freeway through the heart of the city created a visual and physical barrier between east and central San Rafael.

⁴⁹ Jim Wood, *History of a Highway*, *Marin Magazine*, April 17, 2009, <https://marinmagazine.com/community/history/history-of-a-highway/>, accessed July 20, 2020.

⁵⁰ *Marin County History Museum*, *Images of America: Modern San Rafael: 1940-2000*, (Charleston, SC: Arcadia Publishing, 2008), 14. (MSR)

1884 depot & train shed

While means of transportation were rapidly changing in the early 20th century, the need for rail stations persisted. The Spanish Colonial/Mission Revival “B Street Station” was constructed to replace an older structure in 1928. This era also saw the replacement of the 1890 railroad shed structure at Tamalpais Avenue with a Spanish Colonial/Mission Revival station in 1929. The station was designed by architect Frederick H. Meyer, who is credited with designing many “Mission Revival” stations throughout Marin County. The station has been significantly altered, but still stands in its original location.



The station originally stood behind the Flatiron building at Second and B Street, but was moved to its current location at A Street in 1930 (720 [728] A Street).

Changing Civic Needs

Examples of this period in San Rafael’s urban development can be seen in the Classical Revival San Rafael Improvement Club which was built for the 1915 Panama-Pacific exhibition and floated across the bay from San Francisco. The building became the staging area for mosquito eradication programs and other projects. The Public Library, which still stands at the corner of Fifth and E Streets, is another prime example of civic architecture of the period.



Marin County Courthouse at Fourth and A Street, circa 1930 (Marin County Free Library. Anne T. Kent California Room)



In 1905 Andrew Carnegie donated \$25,000 to construct the San Rafael Public Library. This library was the first Carnegie Library in Marin and was dedicated in 1909.⁵¹

The land was also donated by several important benefactors

Institutions adapted to the changing needs of the San Rafael residents, and several new buildings were constructed into the early 1920s. The First Church of Christ Scientist, designed in the Neo-Classical style, was constructed in 1910; and St. Paul's Church was moved to E Street in 1924. Also, in 1924, the E Street School was constructed at the **northwest corner of Second and E Streets.**

Continuing Commercial Development

As the population of San Rafael grew in the early 20th century, so did Fourth Street as a commercial shopping, dining, and recreational center. Construction during this time continued to follow greater patterns of commercial storefront design, notably in examples of revival-style buildings.



looking east

*Postcard of San Rafael looking **west** on Fourth Street near B Street, circa 1915 (Marin County Free Library. Anne T. Kent California Room)*

⁵¹ *Marin: A History*, 187



Postcard of San Rafael looking west down Fourth Street from A Street, circa 1920 (Marin County Free Library. Anne T. Kent California Room)



View looking east down Fourth Street, 1932 (Marin County Free Library. Anne T. Kent California Room)

Place



View looking west down Fourth Street from Lootens Plaza, 1944 (Marin County Free Library. Anne T. Kent California Room)

Spanish Colonial Revival

In the Bay Area, the Spanish Colonial revival style gained popularity after being introduced during the 1915 Pan-Pacific International Exposition. Often also referred to as Mediterranean or Mission Revival, this style is characterized by tiled roof, parapets or coping; pent roof forms; exterior stucco cladding; arched windows and transoms; and decorative moldings.⁵²

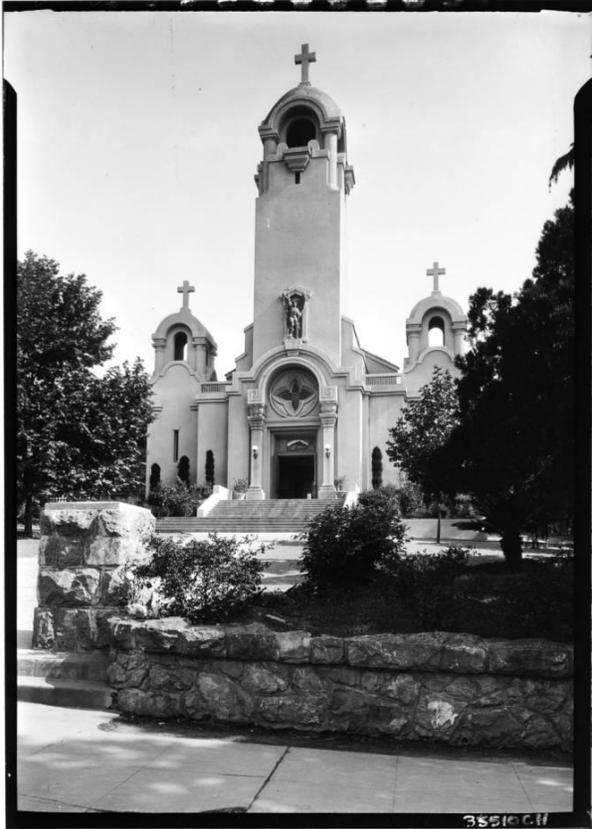
A primary example of Spanish Colonial Revival in San Rafael is 1200-26 Fourth Street/1009 B Street. Known also as the Aileen Apartments, this property was purchased in 1915 by Herzog and Rake and developed in 1917. An existing small brick building was incorporated into the structure to form a first floor of commercial shops and an upper story of apartment spaces.⁵³

Another prominent example of this style is the corner building at 1447 Fourth Street. The property was developed in 1916 for the Pacific Gas & Electric Company and remained the company headquarters until 1963. The building was later used as the main branch for Redwood Bank.⁵⁴

⁵² *Neighborhood Commercial Buildings: Historic Context Statement 1865-1965-Draft for Public Review, February 17, 2016.* HRI

⁵³ *Department of Parks and Recreation Historic Resources Inventory* form for 1200-26 Fourth Street/1009 B Street, San Rafael. Recorded by Ann Batman (Charles Hall Page & Associates, Inc.), 1978.

⁵⁴ *Department of Parks and Recreation Historic Resources Inventory* form for 1447 Fourth Street, San Rafael. Recorded by Niki Simons (Charles Hall Page & Associates, Inc.), 1977.



A principal example of Spanish Colonial Revival architecture in San Rafael is the Church of Saint Raphael / Mission San Rafael Arcángel. The **current mission building** buildings standing today were designed from research and findings by the Marin County Historical society to replicate the original Mission buildings as closely as possible. With financing from the Hearst Foundation, the structures were completed by 1949.⁵⁵ (California Historical Society Collection, 1860-1960, University of Southern California Digital Library)

Neoclassical

The Albert Building at 1010 B Street is the most prominent example of Neoclassical commercial architecture in Downtown San Rafael. Built for local merchant Jacob Henry Albert in 1920, the building is credited as being the first building classified **as a skyscraper in Marin County. The building housed what was to be a chain of small goods stores,** and was outfitted with modern conveniences of the time, including an elevator.⁵⁶

⁵⁵ *Images of America: Modern San Rafael 1940-2000*, 94. MSR, 94

HRI ⁵⁶ *Department of Parks and Recreation Historic Resources Inventory* form for 1447 Fourth Street, San Rafael. Recorded by Patricia P. Meyer (Charles Hall Page & Associates, Inc.), 1977.



Theatres

Did it start somewhere else?

In 1912 the California Motion Picture Corporation brought its studio to San Rafael, and with it a growing movie-going culture. Small nickelodeon theaters opened in existing storefront spaces in town, followed by larger movie palaces. The Orpheus Theatre on Fourth Street was built in 1920, marking the first building constructed specifically to show movies, specifically silent movies. The Orpheus Theatre burned in 1937 and was replaced by the Rafael Theatre which still stands today.⁵⁷

The El Camino Theater was built in 1928, designed and constructed as an opulent movie palace. The El Camino Theater fell to the fate of similar movie palaces when the attention of the American viewer turned to television. Eventually the theater was stripped and converted to a JC Penney store in 1953.

⁵⁷ *Images of America, Early San Rafael*, 116-7 ESR, 116-117



View of the El Camino Theater on Fourth Street, 1932 (Marin County Free Library. Anne T. Kent California Room)

Change in a Post-War World

As the country changed following the profound impacts of World War II, so did the City of San Rafael. Supporting industries for the war ceased function, and workers sought alternate opportunities. This period saw the beginnings of larger auto-focused developments, like those seen east of the freeway in Montecito Plaza.⁵⁸ Following the war, housing needs started to increase, and the Sun Valley, Terra Linda, Glenwood, Peacock Gap and Marinwood neighborhoods were developed on former ranch lands from 1953 through the 1970s. Industries around San Rafael Canal also continued well into the 1950's including petroleum sales for other local industries.

Suburban Migration

During the postwar years, especially between 1953 and 1955, the construction of San Rafael's housing stock rapidly increased. The development of the Terra Linda and Marinwood neighborhoods on former ranch lands are just one example of San Rafael's expansion at this time. Ferry strikes beginning in the late 1940s led to construction of the Richmond-San Rafael Bridge in 1956, and the demise of ferry service between San Rafael and Richmond.

Rapid construction of many inexpensive commercial buildings took place on recently drained lands that had been the marshy floor of the San Rafael Valley, expanding the town's footprint into previously open space. **Other notable examples of construction during this period can be found in the Eichler homes in the Terra Linda and Marinwood neighborhoods.**

New Commercial Opportunities Downtown

In the years immediately after the war, Fourth Street remained the commercial and cultural center of Marin County. San Rafael's **downtown** continued to prosper, as department stores, restaurants, the County Courthouse, City Hall and even the first Kaiser Permanente clinic in town, combined with churches, nearby residences, and emerging postwar industries to define the modern city. The explosive growth occurring in San Rafael at the time can be seen in shifts of building materials, techniques and location during the post war period. Auto repair shops and auto showrooms also flourished, and a reliance on auto-oriented transportation dominated the region.

New opportunities also brought many changes to **Downtown**, as standing business transitioned to new industry and existing buildings were replaced. For example, Albert's Emporium became a Macy's in 1952, and the El Camino Theater was replaced with JC Penney's and **was later razed.**

⁵⁸ *Images of America: Early San Rafael*, 37; and, *Images of America: Modern San Rafael: 1940-2000*, 9.
ESR, 37 and MSR, 9



Postcard of San Rafael looking east down Fourth Street from B Street, circa 1947 (Marin County Free Library. Anne T. Kent California Room)



Postcard of San Rafael looking east down Fourth Street from A Street, circa 1948 (Marin County Free Library. Anne T. Kent California Room)

In July of 1957 a massive fire destroyed the buildings **on** the block of Fourth Street between D and E Streets. The block was redeveloped soon after, beginning a new era of mid-century modern commercial development in Downtown.

On the site where “The Wonder” once stood, the **Wells Fargo Bank** at 1203 Fourth Street was constructed in 1964. An impressive example of mid-century bank architecture, the building stands in stark contrast to the surrounding buildings representing the late-19th and early-20th century development.



View looking west down Fourth Street from A Street, circa 1956 (Marin County Free Library. Anne T. Kent California Room)

A Postmodern Plan to Move Forward

Development of large department stores anchored new regional shopping centers at Northgate in Terra Linda and the **Village in Corte Madera** in the 1960s and 1970s, and eroded Downtown San Rafael's dominance as the County's retail destination. In 1962, completion of the Marin County Civic Center several miles to the north negated the need for a Downtown County building. The 1872 courthouse was destroyed by an arsonist in 1971.⁵⁹

Major changes in Downtown continued into the 1970s, provoking a desire for historic preservation. In 1975 the City Council approved Chapter 2.18 – Historic Preservation in the San Rafael Municipal Code and established the Cultural Affairs Commission. In 1978 (updated 1986) the first survey of historic resources in San Rafael was completed and a number of landmark properties were identified Downtown. At this same time the **San Rafael Redevelopment Agency** formed, spearheading a campaign to restore and revitalize the aging buildings of Downtown.

Historic preservation efforts have continued in recent decades and are reflected in the Downtown Vision Plan adopted in 1993 and the General Plan 2020 adopted in 2004. This context has been developed in conjunction with the General Plan 2040, which will continue to advance efforts to preserve the built heritage of San Rafael.

(RDA)

Downtown Economic Decline and the **Formation of the San Rafael Redevelopment Agency**

By the late 1960's, Downtown experienced an economic decline in its retail businesses. This decline was largely attributed to the growing consumer draw of suburban shopping centers. Northgate Mall opened in 1964-1965 with the original anchor tenants being the Emporium and Sears.⁶⁰ Northgate represented the typical "everywhere suburbia" experience offering shopping in an open mall setting with acres of free and ample parking. The Downtown setting and smaller home-grown businesses could not compete with the larger department and chain stores that were drawn to the shopping centers.

Formation of the San Rafael Redevelopment Agency (RDA)

During this time, many cities were taking advantage of the new State laws promoting redevelopment. These laws allowed cities like San Rafael to form a "Redevelopment Agency" to boost and finance urban renewal projects in areas experiencing decline or blight. The formation of a Redevelopment Agency provided a tool to issue tax allocation bonds, which are payable from property taxes that are collected from within a "project area." Promoting redevelopment within a "project area" results in an increased assessed valuation of properties within this area, further stimulating investment.

In June 1972, the City formed the "San Rafael Redevelopment Agency" (RDA). The "project area" for the RDA covered 1,770 acres (1,945 parcels), including Downtown (Central Business District), extending southeastward to the Canal neighborhood, the retail and industrial areas of Francisco Boulevard East and Francisco Boulevard West to the Richmond/San Rafael Bridge.

⁵⁹ *Images of America: Modern San Rafael 1940-2000*, 69. MSR, 69

⁶⁰ *Northgate Mall has also been named Northgate Fashion Mall, the Mall at Northgate*



Central San Rafael Redevelopment Plan Area, 1972

By November 1972, the Redevelopment Plan was completed and adopted (Ordinance 1079). The Redevelopment Plan introduced a land use map and four Redevelopment Activity Areas, which focused on recommendations for areas and properties suitable for: a) redevelopment and new development; b) rehabilitation and infill; c) conservation; and d) open space. For Downtown, the Redevelopment Plan presented a series of actions including, among others, investing in public realm improvements (street tree planting, pedestrian pavement and street corner improvements, and new parking facilities). The “New Commercial” Action focused on development sites such as the 15.5-acre PG&E property south of Second Street (now the San Rafael Corporate **Center, BioMarin** campus) and redevelopment of underdeveloped or blighted sites. The Redevelopment Plan included a Financial Program, which estimated project costs and sources of funding. **Center/BioMarin**

Following adoption of the Redevelopment Plan, the RDA was instrumental in molding many changes to Downtown San Rafael without significantly changing its historic “bones.” The RDA used resources such as State and Federal funds, grants, and loan programs coupled with bond proceeds to implement the Development Plan over the next 45 years. One example is the pedestrian and streetscape improvement program, which resulted in bulb-outs with tree planting at intersections and brick sidewalk pavers along Fourth Street. This initial program was installed along Fourth Street from Grand Avenue to E Street as well as some selected side streets (see **below**).



Illustrative of Fourth/Court St Improvements, Redevelopment Plan, 1972



Current, built improvements at Fourth and Court Streets

A subsequent Fourth Street tree planting program was funded and implemented through the RDA in the 1990's, which resulted in the development of the current, regimented tree canopy. To replicate the pedestrian and streetscape program of landscape bulb-outs and brick sidewalk pavement along Fourth Street, in the early 2000's funding was secured to extend this program on Fourth Street from E Street to the Miracle Mile.

In the early 1980's, the RDA administered a very informal incentive program that offered advice to property owners and businesses on storefront improvements. The primary goal of the program was to seek business compliance with the City's sign ordinance but to also offer design advice on storefront design and restoration. While most of storefront improvements that were implemented involved new signage, awning additions and painting, some property owners opted to restore their storefronts to near original design. One example is 919 Fourth Street.



919 Fourth Street with restored transom and glass/upper storefront

Common tools such as property purchase and assemblage fostered redevelopment of key properties in Downtown from the late 1970's until the RDA was dissolved in 2012. Once property was negotiated and assembled, the RDA would employ measures such as a developer request for proposal or a direct partnership with a single developer. The following are key redevelopment projects that were built from the early 1980's through the early 2000's.

The May Building located at the southeast corner of Fourth and A Streets was destroyed by fire in 1979. The RDA coordinated a site redevelopment. This being a key intersection in Downtown, developers participated in a design competition for the rights to develop the site.

The initially preferred concept design called for placing a seven-story building stepping back from Fourth & A Streets but it was deemed too imposing (schematic below). Ultimately, the City opted to approve a more conventional building design with the building offering two levels of retail below two levels of office (built project below). The two levels of retail offered by this design was an attractive incentive, but the split-level storefront has been marginally successful.



Original Redevelopment Proposal – Fourth and A Streets



Built project at Fourth and A Streets

As recommended by the Redevelopment Plan, the RDA invested in the development of a new, multi-level parking garage located at the corner of 3rd and B Streets. Like the Fourth and A Street project, the parking garage design was selected as part of a developer competition. Although the parking structure design would win no design awards, this developer was selected because the project included a street level storefront of retail space along the A Street frontage. This retail space is the home of Il Davide Restaurant and Duxiana Mattress and Bedding (see storefront photo).



A Street retail and 3rd & B Street parking garage

Until the mid-1990's, Pacific Gas & Electric (PG &E) Company had a prominent presence in the southeast portion of Downtown San Rafael. Occupying 15-20 acres south of 3rd Street, PG &E utilized the area for service operations (including gas processing in the early 20th century). Most of the operations were moved to PG &E property on Andersen Drive or phased-out, which freed-up this land for redevelopment. The Redevelopment Plan called for an office and parking uses, then subsequently changed to a retail shopping center. In the mid-1990's the RDA worked with PG &E to negotiate a sale of the holdings south of 2nd Street. Fair Isaac Corporation obtained approval to build a 400,000 square foot office campus. The office campus has been built is and now owned and occupied by BioMarin Phamecuitcal, a biotechnology company. (sp)



BioMarin Campus – San Rafael Corporate Center

By the mid-1980's, Macy's closed its doors and became the last casualty of the department stores that once occupied and thrived in Downtown. However, the RDA was swift in negotiating purchase of the property with the owner, and ultimately the site sold to a local developer. The Rafael Town Center, a six-story mixed use development was constructed, and Court Street was redeveloped as a pedestrian plaza.



Macy's at Fourth and Court Streets, 1972



Fourth and Court Streets, 2020



Rafael Town Center, 2020

Due to major changes and cuts in the State budget, all Redevelopment Agencies were dissolved by 2012. Most of the roles and responsibilities of the San Rafael RDA were taken over by a newly formed Successor Agency (City Council), but much of the funding and grant programs that were linked to redevelopment were no longer available.

Representational Property Types

Transportation

The B St site was the first RR station in town (c.1870). This structure is a replacement built in 1930. What does the 1915 refer to? The current address is 728 (720 is the apartment building in the rear).

Railroad Buildings

720 (728) A Street – **Northwestern** Pacific Railroad Station (1915-1928)

930 Tamalpais – **Northwest** Pacific Railroad Depot – (1929) "Northwestern" built on the site of the 1884 passenger station

Automobile-Related

866 Fourth Street (1921)

The 1978 inventory referred only to the building on Fifth (now 835), a warehouse and receiving appendage. The current 4th St. facade is so redone it should not be considered. It was left off the 1978 inventory and should be again

Spanish Colonial Revival

827-831 Fourth Street (1923) definitely a showroom - look at the ceiling -FAB!!!

Mid-Century Modern **Auto** These are all "Auto"

1848 Fourth Street (1947) Pond farm

1714 Fourth Street (1951) Jack Hunt

1531 Fourth Street (demonstrates the clear shift towards auto oriented construction in San Rafael) (1930) Cains Tire

740 A Street (date?) Not auto oriented - a silly addition

707 C Street (1952) Wow, I never noticed it - it is not auto related and why consider!

Institutional

Religious

Victorian Gothic

1123 Court Street – St. Paul's Episcopal Church, W.A. Boyd, architect (1869)

Neo-Classical Revival

1618 Fifth Avenue (1910) - Christian Science Church

Spanish Colonial Revival

San Rafael Mission Arcángel – **recreation** – (1949) Church of St. Raphael and Mission San Rafael Arcangle - What does "recreation" mean

Education

901 E Street - E Street School (1936)

Civic

Carnegie Library – San Rafael Public Library (1904-09) What is 1904?

1800 Fifth Avenue – San Rafael Improvement Club (c. 1915) Victrola Pavilion

Commercial

Vernacular

1221 Fourth Street (1872) - Grosjean & Co. 1872 building to the rear

844-48 B Street (1890) - Listed DPR indicates Queen Anne Commercial
802-6 Fourth Street (1892) Considered for 1978 inventory
1325 Third Street (1910) – Originally farm house and barn Recent major alterations
1200-16 Fourth Street – 1009 B Street (1917) – Aileen Apartments B Street first - See comment
1553 Fourth Street (1920-25)
1203 Fourth Street – Wells Fargo (1964) Older building modernization by Crocker Bank

Italianate

1321 Fourth Street (1871) - AP Hoteling Bank
1225 Fourth Street (1875-85) - Originally a furnishing store built by Camille Grosjean
1310 Fourth Street (1880) (- Pleasures of the Heart)
1149 Fourth Street/938 B Street (1883) - Mulberry House (928 B)
810 B Street (1894) - J.C. Gieske Building
924 B Street (1898) - Max Herzog, Butcher - why is this not considered as contributory

Eastlake (Stick-Eastlake)

840 B Street (1881) - Wm Schueler, original owner
724 B Street - Flatiron (1883) (1886- DPR) DPR lists as 1883 what is 1886?
709 Fourth Street (1889) - T. Nichols, proprietor (Tavern on Fourth)

Second Empire

1330 Fourth Street (1879) - The Mahon House (Casa Grande)

Spanish Colonial Revival

801 Fourth Street (1900) - California Hotel (SW corner at Lincoln)
1447 Fourth Street (1916) - PG&E Headquarters - F H Meyer, architect
917-921 Fourth Street (1920) - California Bakery (Fenix)
1850 Fourth Street (1925) - unknown (May have been a fish market due to the decoration)
927 Tamalpais – Barrel House (1925) (Trevor's)

Queen Anne

1240 Fourth Street (1893) - Peter Building

Neo-Classical

881 Fourth Street (1905) - Pete's (Vin Antico)
1010 B Street – Albert Building – (1920)
1300 Fourth Street (1928) – Bank of Italy/Bank of America - Oscar Mohr (Architect), David Paganini (Builder)
Cut Bank of America, it was another merger

Renaissance

813-819 Fourth Street (1908) (brick facade with granite ledgers)

Mission Revival

California was the birthplace of the Mission style. The earliest examples were built in the 1890s, and the style spread westward in the 1900s. The style appears in house plan books such as

those of Sears Roebuck and Co. that sold plans for Mission style called the Alhambra (1910). Identifying features of the Mission style include: "Mission-shaped dormer or roof parapet; commonly red tile roof covering, widely overhanging eaves, usually open porch roofs supported by large, square piers, commonly arched above, wall surface usually smooth stucco."⁶¹ Principal subtypes are distinguishable in the symmetrical and asymmetrical. Variants and details include shaped dormers and parapets mimicking those found on Spanish Colonial Mission buildings, prominent one-story porches, and arched roof supports to simulate the arcades of Hispanic buildings. Occasionally Mission-like bell towers occurred on some examples. Windows are usually double-hung and grouped together. Some examples have visor roofs that most commonly occur beneath the parapets of flat roofs.⁶²

1533 Fourth Street Not a revival - more vernacular

1852 Fourth Street - The style appears in house plan books such as those of Sears Roebuck and Co. that sold plans for Mission style called the Alhambra (1910) *this is not a house possibly a fish market due to the top crab motif*

1605 Fourth Street - (West end village)

1555 Fourth Street - same as 1553 more vernacular above

926 Fourth Street Is this the El Camino?

926-930 B Street (1914)

812 Fourth Street (1920) Lotus

Hotels and many many others

1222 Fourth Street – The Central Hotel (1859)

901 B Street – Delmonico House Hotel (1876-77) *This was an incorrect address should be 747 B*

Mid-Century

1030 Third Street - is a classic example of Modern Commercial architecture designed and constructed by John Carl Warnecke (1963) *built by Wells Fargo*

Recreation/entertainment

1118 Fourth Street – Rafael Theatre – (1938) *What about Gordon's Opera House and others*

Residential

1130 (1120) Mission Avenue – “Coleman House” (1849-52) *Why two addresses*

1627 Fifth Avenue (Victorian Village) *the "school house" (now 1623 C) and the addresses are out of order!*

1623 Fifth Avenue (Victorian Village) *the corner building with tower (now 1623 A)*

Queen Anne (1880-1910) *This list is incomplete and erroneous - I cannot continue to review*

Characterized by asymmetric massing, steeply pitched roofs with irregular form, projecting porches, and a profusion of decorative detail. Scrolled brackets, turned porch posts, shingle siding in a variety of shapes, and cutaway window bays were among the styles most common ornamental features.

⁶¹ Virginia Lee McAlester, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2013), 510-518. *McAlester, 510-518*

⁶² Ibid. *page #?*

710 Mission Avenue (c. 1900)
823-825 Mission Avenue (1881)
1135 Mission Avenue (1891)
637 Fifth Avenue (1892 – 94)
633 Fifth Avenue (1892)

Queen Anne Cottage

808 A Street (c. 1890)
1011 Irwin Street (1907)
810 E Street (1910)

Transitional Queen Anne (Late Queen Anne/Shingle)

918 Fifth Avenue (1896)

Shingle

1505 Fifth Avenue (1903)
1110 Lincoln Avenue (1907)
705 Mission Avenue (1904-06)

“Bay Area Shingle”

1635 Fifth Avenue (1903)

Stick/Eastlake

907 Mission Ave (1880)
828 Mission Ave (1884)
1607 Fifth Avenue (1883)
1517 Fifth Avenue (1889)

Colonial Revival

1104 Lincoln Avenue (1906)

Gothic Revival

1629 Fifth Avenue (1850s - 1875)

Tudor Revival (rare in San Rafael)

1539 Fifth Avenue (1923)

Craftsman

30 Latham Street (1928)

Hipped Roof Cottage

1301 Second Street (1907)
1215 Second Street (1916)

3. Methodology

Overview

This section of the Historic Resources Report describes the methodology used to complete the 2019-2020 Survey. It includes the criteria used to evaluate properties and describes the field surveys completed through this effort.

Evaluation Criteria

The criteria used to evaluate Downtown resources align with the Criteria for Designation established by the California Register of Historic Resources (CRHR). These include:

- Criterion 1: Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- Criterion 2: Associated with the lives of persons important to local, California or national history
- Criterion 3: Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- Criterion 4: Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The survey focus was on Criterion 3 since the field work was structured to document visual conditions. Where archival records and research documents were available on Criteria 1, 2, and 4, these factors also were considered.

The Survey

The starting point for the historic resources survey was the *San Rafael Historical/Architectural Survey* published in 1986. That report updated a 1977 inventory and identified 305 properties throughout the City, including the street address, the common name of the property or building, and a classification of the resource as good, excellent, or exceptional. Ninety-two of the 305 count 79 properties in the Survey are within the boundary of the Downtown Precise Plan Area.

There are 14 properties in the Precise Plan area that currently have landmark status.¹ Of this total, six properties are listed as individual local historic landmarks, seven fall within two

this "discrepancy" is easy to dispel - please correct, not continue to perpetrate the error on the 1986 "update"

¹ There is a discrepancy in the roster of local landmarks, as the Chisolm House and Schlosser-Cole House are identified (with different addresses) as being on the same parcel. The Chisolm House is noted as 1505 Fifth Avenue and the Schlosser-Cole House as 1023 E Street. 1505 Fifth Avenue was formally re-addressed as 1099 E Street (corner of 5th and E) and was landmarked in December 1979. It is the Schlosser-Cole House. Christopher Chisolm resided at 1517 Fifth Avenue, which has never been formally landmarked.

designated historic districts (French Quarter and Victorian Village), and one (Mission San Rafael Arcangel) is a California Historical Landmark that is not on the local or national registers. Two of the individual local landmarks are also on the National Register of Historic Places (Boyd House and San Rafael Improvement Club). It is worth noting that a number of National Register landmarks and several locally designated landmarks fall just outside the Precise Plan boundary, including the Falkirk Mansion.

Properties that currently have landmark status were excluded from the survey, as they already have protected status. As noted in Chapter 1 and illustrated in Figure 1-2, several geographic areas were excluded from the survey due to limited resources and the fact that changes in these areas are unlikely in the next 20 years. In the event future projects are proposed in these areas, further evaluation of historic resources may be required.

These exclusions left a balance of 572 properties within the Precise Plan boundary, including:

- 79 properties already listed in the San Rafael Historical/Architectural Survey (Survey), 41 of which were determined to need re-evaluation
- 344 properties with listed construction dates of 1969 or earlier
- 149 properties without listed construction dates, for which additional research was required

A field assessment was made for each property, documenting its apparent build date, condition and level of integrity. Of the 572 properties surveyed, 97 were identified as vacant lots or recent construction and were eliminated from further consideration. This left 475 properties for further evaluation.

Archival research was performed by City staff for roughly 400 of the 475 properties. The focus of this research was to determine the date of construction where this information was unavailable, and to review building permit records and other property records. These records indicate the extent to which buildings have been altered over time, including historic photos, blueprints and plans, and staff reports prepared over the past several decades. Information was recorded in Excel spreadsheets. This work generally took place in December 2019.

Our participation was less than two days, perhaps 8 hours
At approximately the same time, field survey work took place under the leadership of Garavaglia Associates. The consultant provided training to several volunteers from San Rafael Heritage and accompanied the volunteers on walking surveys of Downtown blocks. All survey work was done on foot and considered the exterior of the building only. Notes and digital photographs were taken as needed for each property.

Using both the archival records and the field survey, a shortlist of 160 properties was created for further assessment. These properties were identified as having some degree of historic integrity, and the potential to be historic landmarks or district contributors. Limited research was provided for each structure.

Notable concentrations of historic resources in geographic proximity to each other were evaluated for their eligibility as historic “districts.” Where a potential district was identified, properties within that district were identified as individual resources, contributing resources, or non-contributing resources. Contributing resources fall within the period(s) of significance identified for the district, and present character-defining features unique to the property and district.

A project professional reviewed the survey forms and accompanying digital photographs, evaluating each property for its significance and integrity. The project professional also assessed whether each resource appears to potentially contribute to a historic district nomination or multiple resource nomination to the California Register of Historic Places, or appears to be potentially eligible individually under one of the California Register criterion. She assigned each resource an internal classification as follows:

“A” was assigned to structures that were deemed individually eligible as resources

“B” was assigned to structures deemed to be contributors (within an area eligible for listing as a district)

“C” was assigned to properties where additional research was needed

“D” was assigned to properties that appeared not to meet eligibility criteria

“E” was assigned to properties determined to be ineligible as historic resources

Many of the structures given “D” and “E” ratings date to the late 19th Century. However, these structures have diminished historic integrity due to unsympathetic additions and alterations. They generally fail to meet Secretary of the Interior criteria.

The findings of this evaluation are reported in Chapter 4. A total of 48 new resources (i.e., resources not currently listed on the 1977/1986 inventory) were identified as eligible. In addition, two areas with concentrations of multiple historic resources were identified as eligible historic districts. Properties within each district were further identified as individual resources, contributors, or non-contributors.

A “fact sheet” was developed for each of the 160 properties on the shortlist. **The fact sheets are presented as Chapter 5 of this report.** It is important to note that the fact sheets include properties determined to be eligible (e.g., the “A”s and “B”s), and properties found to need more research (the “C”s) or ineligible (the “D”s, and “E”s). About 57 percent of the properties in the fact sheets were found eligible as either individual resources or contributing resources.

Garavaglia Associates prepared California Department of Parks and Recreation **Primary Records** and **Building Records (DPR523A and DPR523B forms)** for selected properties in the surveyed area, including a written evaluation of potential individual and district eligibility. Of the properties for which DPR forms were prepared, 28 are in the Transit Station area, 31 are in the Downtown Core, 10 are in the West End Village and none are in the Montecito Commercial area.

I would like to see a few

The DPR forms are included as Appendix “B” to this report. As noted in Chapter 1, forms were primarily prepared for resources that had not been catalogued as eligible in the 1977/1986 surveys, although a few of these properties were resurveyed.

4. Survey Findings

Overview

This section of the Historic Resources Report presents the findings of the Historic Resources Survey, including tabular listings of the properties in several different resource categories and in different geographic areas. Figures 4-2 through 4-5 show the information spatially for the four subareas that comprise the Plan Area.¹ Accurate and consistent tallies of the number of resources are complicated by the fact that some parcels contain multiple structures. Some parcels contain more than one eligible historic resource and others contain a combination of eligible and non-eligible resources. Parcel lines have also been adjusted over time, and numerous properties have been re-addressed.

Categories

The Survey Findings are presented using the following categories:

- a. Previously Designated Historic Landmarks (7 structures, 9 parcels)
- b. Previously Designated Historic Districts (7 structures, 2 parcels)
- c. Eligible New Historic Districts (2 districts)
 - i. Individual Resources (28 structures, 28 parcels)
 - ii. Contributing Resources (20 structures, 19 parcels)
- d. Individual Resources Outside of Potential Historic Districts (38 structures, 38 parcels)
- e. Resources Requiring Additional Research
- f. Structures Removed from 1977/1986 Inventory
- g. Parcels With no Historic Resources

The properties in categories “c” and “d” above are further divided into those that were identified as historic resources in 1977/1986 and those that were newly added in 2019-2020.

Previously Designated Historic Landmarks

Table 4-1 indicates previously designated historic landmarks in Downtown San Rafael. There are two properties on the National Register of Historic Places: the Boyd House (1125 B Street) and the San Rafael Improvement Club (1800 5th Ave).² There is one property that is a designated California Historic Landmark—Mission San Rafael Arcangel (1104 5th Ave). The Boyd House and San Rafael Improvement Club are also locally listed—the Mission is not.

¹ As noted in Chapter 3, a few small areas of Downtown were not surveyed (see Figure 1-2). Resources identified in the 1986 Survey are shown in these areas, but additional resources may be present in these areas. Projects in these areas may be subject to requirements to provide additional documentation on historic resources.

² The Bradford House and Falkirk Mansion/ Robert Dollar Estate are just outside the Plan Area boundary.

and Foster Hall which was a primary on the first 1976 list but somehow got dropped. There is a typed form but no backup

Four other Downtown properties were listed by the City of San Rafael in the 1970s and 1980s but are not formally listed at the state or national levels. These are the Mulberry House/McDermott Building at 1149 Fourth Street/938 B Street (listed 1984); the Chisolm Residence (see footnote at bottom of page); the Cole-Schlosser Residence (originally shown to be 1023 E Street but re-addressed as 1099 E Street, listed 1979), and the Flatiron Building (724 B Street, listed 1982).

Table 4-1: Previously Designated Historic Landmarks in Downtown San Rafael⁽³⁾

	APN	Address	Common Name	National Register	California Landmark	San Rafael Landmark
1	011-131-03	1125 B St	Boyd House Gatehouse & Park	X		Listed 1974
2	010-291-16	1801 Fifth Av	San Rafael Improvement Club Victrola Pavilion	X		Listed 1980
3	011-213-12 011-213-16 011-213-19	1100-1104 Fifth Av	Mission San Rafael Arcangel Church of Saint Raphael - Mission was a side note		X	Not Listed
4	011-261-01	1149 Fourth St	Mulberry House/McDermott			Listed 1984
5	011-202-06	1099 E St 1023	Schlosser-Cole Residence			Listed 1979
6	See note below	1715 5th	Chisolm Residence			Status Unclear
7	013-011-05	724 B St	Flatiron Building			Listed 1982

Previously Designated Historic Districts

There are two locally-designated historic districts in the Plan Area. Each of these districts consists of a single tax assessor parcel with multiple structures:

- French Quarter consists of five listed structures (901, 903, 905, 907-09, 911 Irwin Street) on a single parcel (APN 014-122-14). Structures were observed as being in good condition.
- Victorian Village consists of two listed structures (originally addressed as 1623 and 1627 Fifth Avenue but subsequently re-addressed as 1623, Units 1-4 through a condominium map filing). Structures were observed as being in excellent condition. A - D

Eligible Historic District: West Downtown Core

Through the 2019-20 survey, a concentrated area of historic resources was identified in an irregularly shaped area of San Rafael’s Downtown Core roughly extending from 2nd and B Street

here we go again

³ There are conflicting records for Item 6 on this list. The 1977/86 inventory identifies the Chisolm Residence as being at 1505 Fifth Ave. That property was subsequently readdressed as 1099 E Street, which is the Schlosser-Cole Residence. The Chisolm property is potentially 1517 5th Avenue (APN 011-202-04), former home of Christopher Chisolm. However, the 1977/86 survey rated that property as “Good” rather than “Excellent” or “Exceptional” which would have made it ineligible for landmark status.

to 5th and E Street. This area is shown in Figure 4-1. The District includes 87 parcels. Of this total:

- 4 parcels contain existing landmarked buildings
- 18 contain individually eligible resources
 - 13 of these resources were initially identified in the 1977/1986 survey
 - 5 of these resources were newly identified as eligible in the 2019 survey
- 16 contain contributing resources
 - 7 of these resources were initially identified in the 1977/1986 survey
 - 9 of these resources were newly identified as eligible in the 2019 survey⁴
- 8 contain resources that were identified as good or excellent in 1977/1986 but no longer meet eligibility criteria
- 42 contain non-contributing resources or are undeveloped

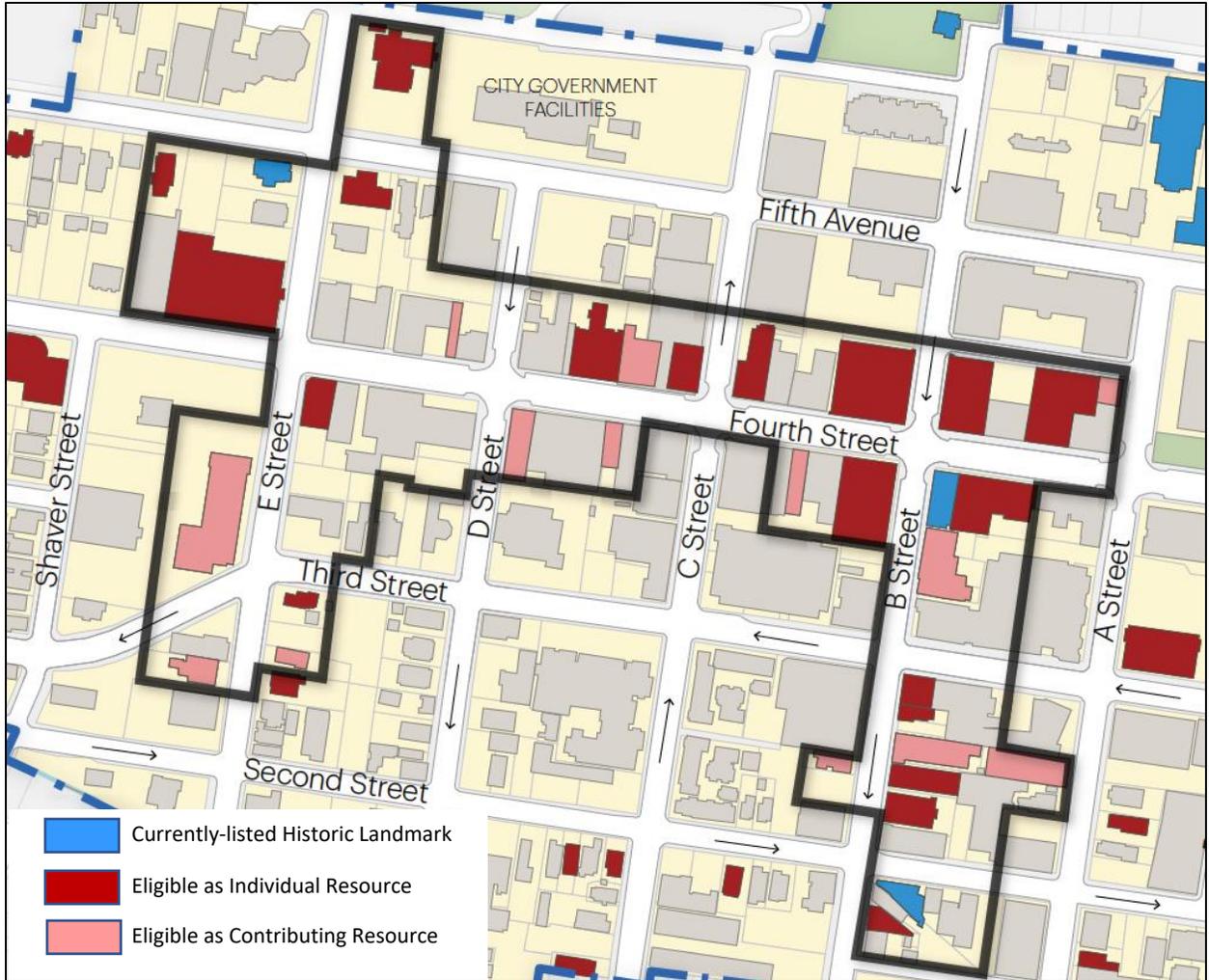
The area was determined to be eligible as a Commercial/**Civic** Historic District under Secretary of the Interior Criterion 1/A for its historical associations and under Criterion C/3 for its architecture. Its “Period of Significance” spans a period of seven decades beginning in the mid-1880s, when construction began on its Victorian-era commercial buildings as well as substantial nearby residences. These buildings were frequently architect-designed and were both larger and more impressive than San Rafael’s earliest stores and houses. Commercial buildings were usually designed with two stories and features like corner towers and main facade parapets to make them appear taller. Decorative elements such as cornices with elaborate brackets and dentil molding and expensive materials like brick conveyed San Rafael’s regional importance. The area’s buildings reinforced the city’s position as the county seat to residents who traveled there from all over Marin County to shop and conduct official business. San Rafael’s predominance among other nearby towns created wealth, allowing merchants, hoteliers, and saloon-keepers to construct large, architecturally significant residences on the edges of Downtown.

San Rafael retained a position of regional importance in the early 20th Century. Architectural styles changed, while the City’s growth accelerated after an influx of refugees from the San Francisco Earthquake of 1906. Important early twentieth-century commercial buildings include the four-story Classical Revival Albert **Department Store**, the first high-rise in San Rafael. Substantial residential buildings from the period are as carefully designed as their Victorian-period counterparts while exhibiting new residential styles such as Craftsman.

San Rafael became more automobile-oriented and connected to San Francisco with the opening of the Golden Gate Bridge in 1937. Notable buildings from the post-bridge era include the Art Deco Rafael Theater. Modernist commercial buildings of the early postwar era convey Downtown San Rafael’s transition to a more localized center as its residential neighborhoods expanded and the County Courthouse and administrative functions moved to North San Rafael.

Table 4-2 indicates the status the parcels within the boundaries. Where appropriate, the table notes where a DPR 523 form has been prepared as part of the 2019-2020 survey.

⁴ **Two of the contributing** resources are individual buildings on parcels with more than one structure. Assume this refers to Victorian Village



Not sure about some of those highlighted an why the notch on E

Figure 4-1:

Eligible West Downtown Core Historic District

Table 4-2: Status of Parcels within the Historic West Downtown Core Area

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
Existing Landmarks (listed in Table 4:1): (1) Mulberry House/McDermott Bldg; (2) Chisolm Residence—see footnote on Page 4-2; (3) Cole-Schlosser Residence; (4) Flatiron Building					
Eligible as Individual Resource where are 1 to 4? what is the order of listing? This is a mess					
5	011-204-01	1022 E St	Keaton's Funeral Home	Good	--
6	011-202-14	1504-1512 Fourth/ 1009 E	Retail Fourth and E NW corner	*	Yes, with DPR
7	011-203-01	1100 Fifth Av	Public Library	*	Yes
8	011-251-11	1447 Fourth St	Gathering Thyme/ Tam Vista Dentistry	Good	--
9	011-205-11	1330 Fourth St	Mahon House (retail@ground)	Exceptional	--
10	011-205-08	1300 Fourth St	Bank of Italy/Tam Commons	Exceptional	--
11	011-212-14	1000-1016 C, 1240-44 Fourth	Amicis/ Peters Bldg	Exceptional	--
12	011-212-05	1200-1212 Fourth/ 1009 B	Scandinavian Design	Good	DPR Prepared
13	011-255-23	1203 Fourth St	Wells Fargo	*	Yes, with DPR
14	011-215-01	1130-1136 4th/ 1010-1018 B	Albert Building	Good	--
15	011-215-04	1118 Fourth St	Rafael Theater	Exceptional	--
16	011-261-31	1121-1139 Fourth St	Wilkins Hotel/ retail	*	Yes
17	011-262-01	842-848 B/ 1117 3rd	Spitfire/ Mini-Market	Excellent	DPR Prepared
18	011-262-21	836-840 B St	Players Guitars	Excellent	--
19	011-262-15	820-822 B St	St. Vincent De Paul	Good	--
20	011-262-14	810-816 B St	Amber Kitchen/Antiques	Excellent	--
21	013-011-02	720 B St	Saigon Village	*	Yes, with DPR
22	011-252-21	824 E St	Polaris Greystone Financial	Excellent	--
Eligible as a Contributing Resource					
23	011-204-09	1408 Fourth St	Café del Soul/ Office	*	Yes
24	011-245-27	901 E St	Converted School/Office	*	Yes
25	011-246-08	807-811 E St	Residential	Good	--
26	011-252-27	814 E St	Residential	Excellent	--
27	011-253-01	1345 Fourth St	T&B Sports	*	Yes
28	011-253-03	1321 Fourth St	Folk Art Gallery	Exceptional	--
29	011-205-10	1314-1318 Fourth St	Shoe repair/Coffee roaster	*	Yes
30	011-261-01	936 B(same parcel as 1149 4 th)	Nail salon/ same parcel as Mulberry	*	Yes
31	011-261-13	930 B St	Garzoli Gallery	Good	--
32	011-261-12	920-924 B St	Libation Taproom	Good	--
33	011-261-20	916 B St	El Perol Restaurant	*	Yes
34	011-256-09	821-823 B St	Uchiwa Ramen	Good	--
35	011-262-16	826-832 B St	Haircuts/ Residential	Good	--

Table 4-2, continued

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
Eligible as Contributing Resource, Continued					
36	011-262-06	813-819 A St	Foam Store	*	Yes
37	011-255-28	1219-1225 Fourth St	Gamescape, etc (multiple buildings on parcel. 1219-1221 not included)	Good	--
38	011-215-05	1007-1011 A St	Office/ spa (multiple buildings on parcel; this is the A St structure only)	Good	--
Listed as Eligible in 1977/86, but not in 2019					
39	011-204-16	1018 E St	House converted to office	Good	Rated "E"
40	011-204-19	1415 Fifth Av	Belrose Theater	Good	Rated "E"
41	011-253-02	1325-1335 Fourth St	Artworks/former Gordon Opera	Exceptional	Rated "D"
42	011-205-09	1310 Fourth St	Pleasures of the Heart Retail	Excellent	Rated "E"
43	011-212-06	1222-1230 Fourth St	Central Hotel/MyThai	Good	Rated "E"
44	013-011-06	1115 Second St	BBC Construction	Good	Rated "E"
45	011-253-04	1313-1315 Fourth St	Tenkuyu Restaurant	Good	Bldg Replaced
46	011-262-03	802-804 B St	Law offices	"Demolished"	Bldg Replaced

Notes: (*)= Not shown as eligible in 1977/86

Eligible Historic District: East Downtown Core

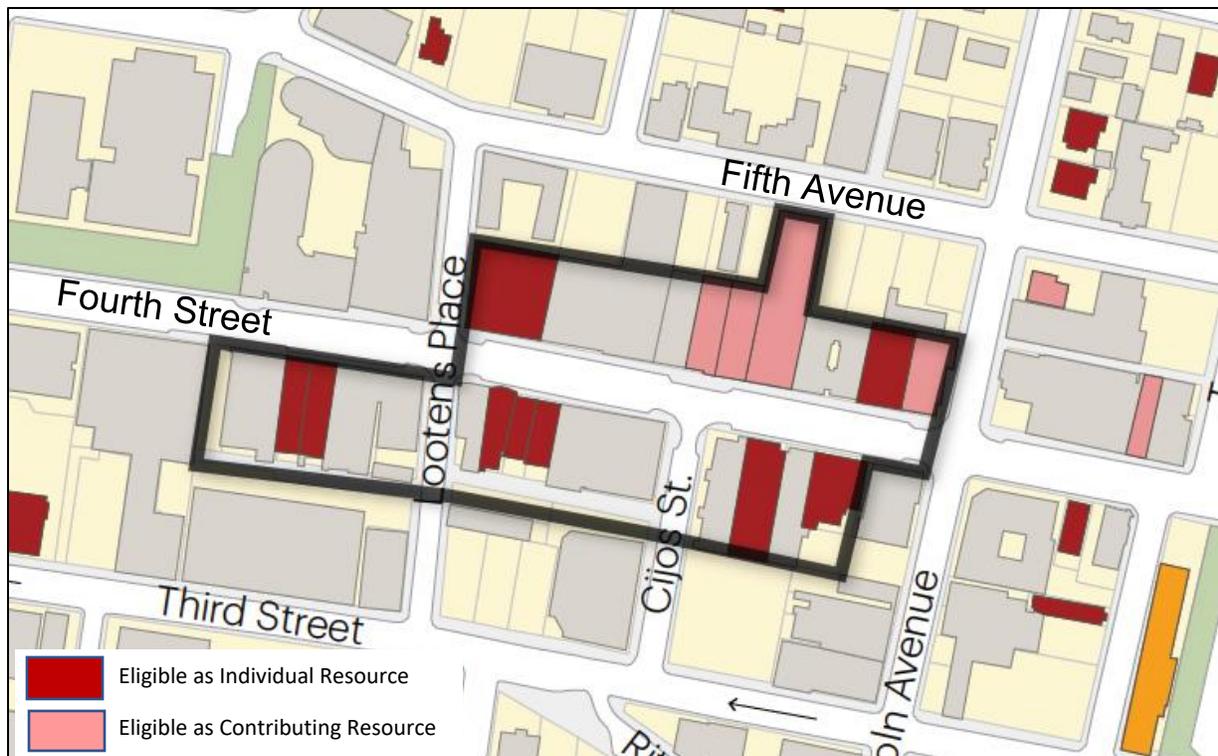
Through the 2019-20 survey, a second concentrated area of historic resources was identified in a rectangular shaped area of San Rafael’s Downtown Core roughly extending from Court Street to Lincoln Avenue along both sides of Fourth Street. This area is shown in Figure 4-3. The District includes 26 parcels. Of this total:

- 10 contain individually eligible resources
 - 6 of these resources were initially identified in the 1977/1986 survey
 - 4 of these resources were newly identified as eligible in the 2019 survey
- 4 contain contributing resources
 - 1 of these resources was initially identified in the 1977/1986 survey
 - 3 of these resources were newly identified as eligible in the 2019 survey⁵
- 1 contains resources that were identified in 1977/1986 but no longer meet eligibility criteria
- 11 contain non-contributing resources

⁵ Two of the contributing resources are individual buildings on parcels with more than one structure.

Table 4-3 indicates the status the parcels within the boundaries. Where appropriate, the table indicates where a DPR 523 form has been prepared as part of the 2019-2020 survey.

The East Downtown Core area is eligible under Secretary of the Interior Criterion 1/A for its historical associations and under Criterion C/3 for its architecture. Its “Period of Significance”—1898 to 1930—reflects the gradual expansion of San Rafael as commercial activity radiated outward from the Mission and Courthouse areas. Commercial buildings in this area were frequently architect-designed; they are one or two stories and occupy their entire lots. Several late Victorian-era storefront buildings are interspersed with more numerous examples of early twentieth century styles, predominantly Mission and Art Deco. Some of the later buildings feature built-in garage doors reflecting San Rafael’s shift toward the automobile after 1920.



what is with the depot orange

Figure 4-2:

Eligible East Downtown Core Historic District

Table 4-3: Status of Parcels within the Historic East Downtown Core Area

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
Eligible as Individual Resource					
			lodge (refers to club, not housing)		
1	011-224-18	1010 Lootens, 882-890 Fourth	Masonic Bldg (res over retail)	Needs Study	DPR Prepared
2	011-224-11	812 Fourth St	Former Pizza Orgasmica	Good	--
3	011-273-04	813-819 Fourth St	Theresa and Johnny's/ other retail	Good	--
4	011-273-02	827-831 Fourth St	Fencing Academy/ Jewelers	Good	DPR Prepared
5	011-271-04	877 Fourth St	Angel Antiques/ Sacred Tibet	*	Yes, with DPR
6	011-271-03	881-83 Fourth St	Vin Antico	Good	DPR Prepared
7	011-271-02	885-87 Fourth St	Zhu Restaurant	*	Yes, with DPR
8	011-263-08	917-921 Fourth St	Fenix Nightclub it was listed	*	Yes
9	011-263-07	923-925 Fourth St	Boiadeirus Brazilian Steakhouse	Good was considered	DPR Prepared
10	011-263-06	931-941 Fourth St	San Rafael Joe's	*	Yes
Eligible as a Contributing Resource					
11	011-224-15	846-850 Fourth St	Pottery (Glaze and Confused Gallery)	*	Yes, with DPR
12	011-224-14	842 Fourth St	George's Night Club was considered	*	Yes, with DPR
13	011-224-13	836 Fourth St	Mike's Bikes	*	Yes, with DPR
14	011-224-10	806 Fourth/ 1001-05 Lincoln Av	Residential above market	Good	DPR Prepared
Listed as Eligible in 1977/86, but not in 2019					
15	011-224-20	854-866 Fourth St	1986 survey noted Fifth Av façade was eligible, but that is outside the District	Good	Rated "E"

Notes: (*)= Not shown as eligible in 1977/86

Individual Resources Outside of Eligible Historic Districts

For analysis purposes, the remaining areas of Downtown are discussed in three geographic areas: West End Village, Downtown Core (outside Districts), and the Transit Gateway area (particularly 5th Avenue, Mission Avenue, and cross-streets in the SMART rail station area).

West End Village

1801 - Why must this error continue?

As noted earlier, West End Village includes a National Register Historic Landmark (the San Rafael Improvement Club at 1800 Fifth Avenue) and a designated local historic district (Victorian Village at 1623-1627 Fifth Avenue). The 2019-20 historic survey identified 13 additional individually eligible historic resources in this area. Of this total, four had been previously identified in the 1977/1986 survey and nine are newly identified. This subarea also includes four properties that were listed in the 1977/1986 survey that are in excluded from the survey.

Table 4-4 summarizes historic resource in the West End Village, including properties for which DPR forms were prepared in 2019. Figure 4-3 below shows the location of these resources.

Table 4-4: West End Village Historic Resources (excluding landmarks listed in Table 4-1)*

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
1	011-194-01	1629 Fifth Ave 5th	Residence	Good	--
2	011-194-02	1637 Fifth Ave	Residence	Excellent	--
3	011-196-05	1539 Fifth Ave	Residence was listed	*	Yes, with DPR
4	011-242-11	1531 Fourth St 4th	Cains Tire	*	Yes, with DPR
5	011-242-10	1533 Fourth St	Mayflower Pub was considered	*	Yes, with DPR
6	011-242-04	1553-57 Fourth St	Ground floor stores/ apts above	Good	DPR Prepared
7	011-241-32	1605-09 Fourth St	LaCrosse, Flooring, Salon, Bookstore	*	Yes, with DPR
8	011-241-01	1617 Fourth St	Johnny's Doughnuts West End Market	*	Yes, with DPR
9	011-232-03	1701 Fourth St	Red Dragon Yoga Charlie's Market	*	Yes, with DPR
10	011-192-08	1714 Fourth St	Jack Hunt Auto	*	Yes, with DPR
11	010-291-35	1848 Fourth St	Pond Farm	*	Yes, with DPR
12	010-291-57	1850-1852 Fourth St	Office / gr floor store	Good	DPR Prepared
13	011-242-22	30 Latham St	Residence	*	Yes, with DPR
West End Village Properties Inventoried in 1977/1986 Survey, Located in Areas Not Surveyed in 2019					
14	011-243-03	11 Latham St	Residence	Good	Not Listed
15	011-241-26	6 G Street	Residence Looks like a storefront	Good	Not Listed
16	011-232-07	11 G Street (prev 3 G)	Arriverdici Restaurant	Good	Not Listed
17	011-196-02	1607 Fifth Av	residence	Good	Not Listed

Notes: (*)= Not shown as eligible in 1977/86; Table excludes properties outside Precise Plan boundary, incl. north side of Fifth Av

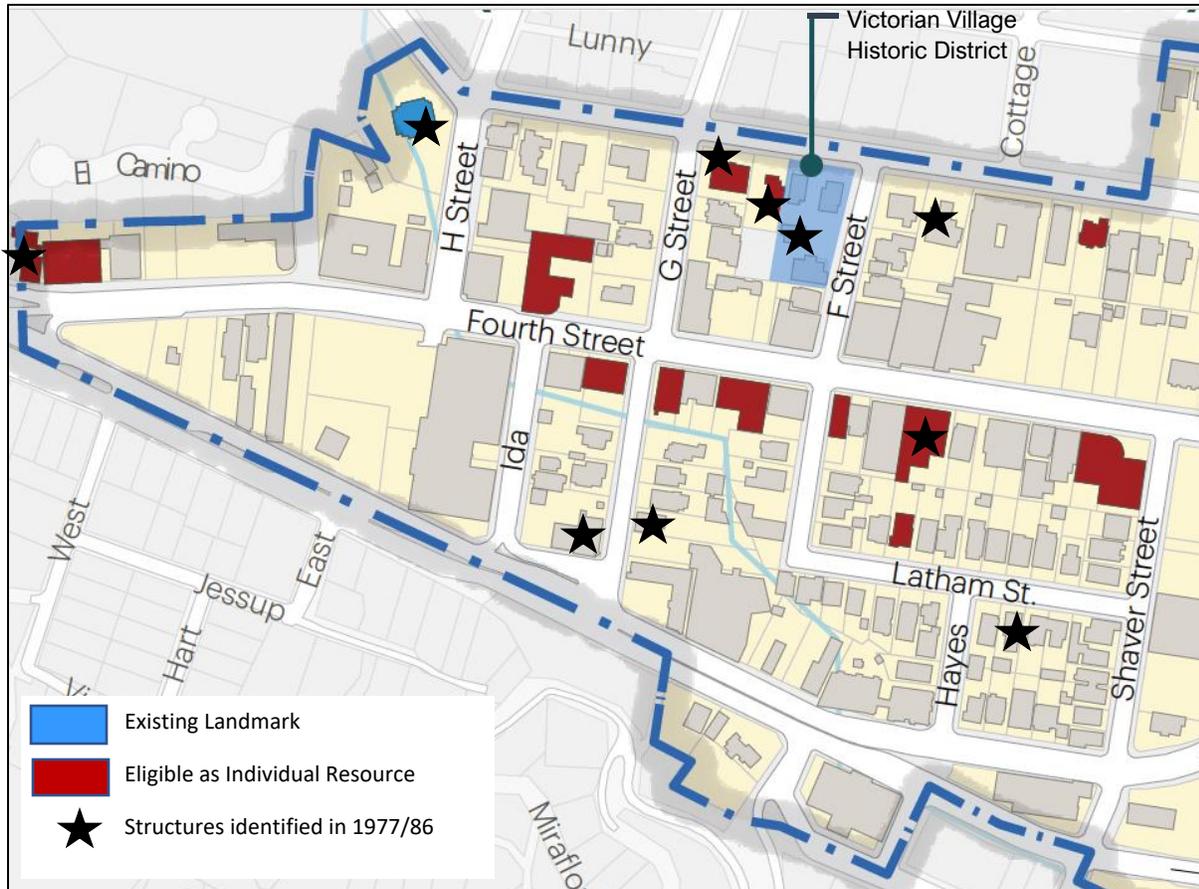


Figure 4-3:

Historic Resources in West End Village

Downtown Core, Outside Districts

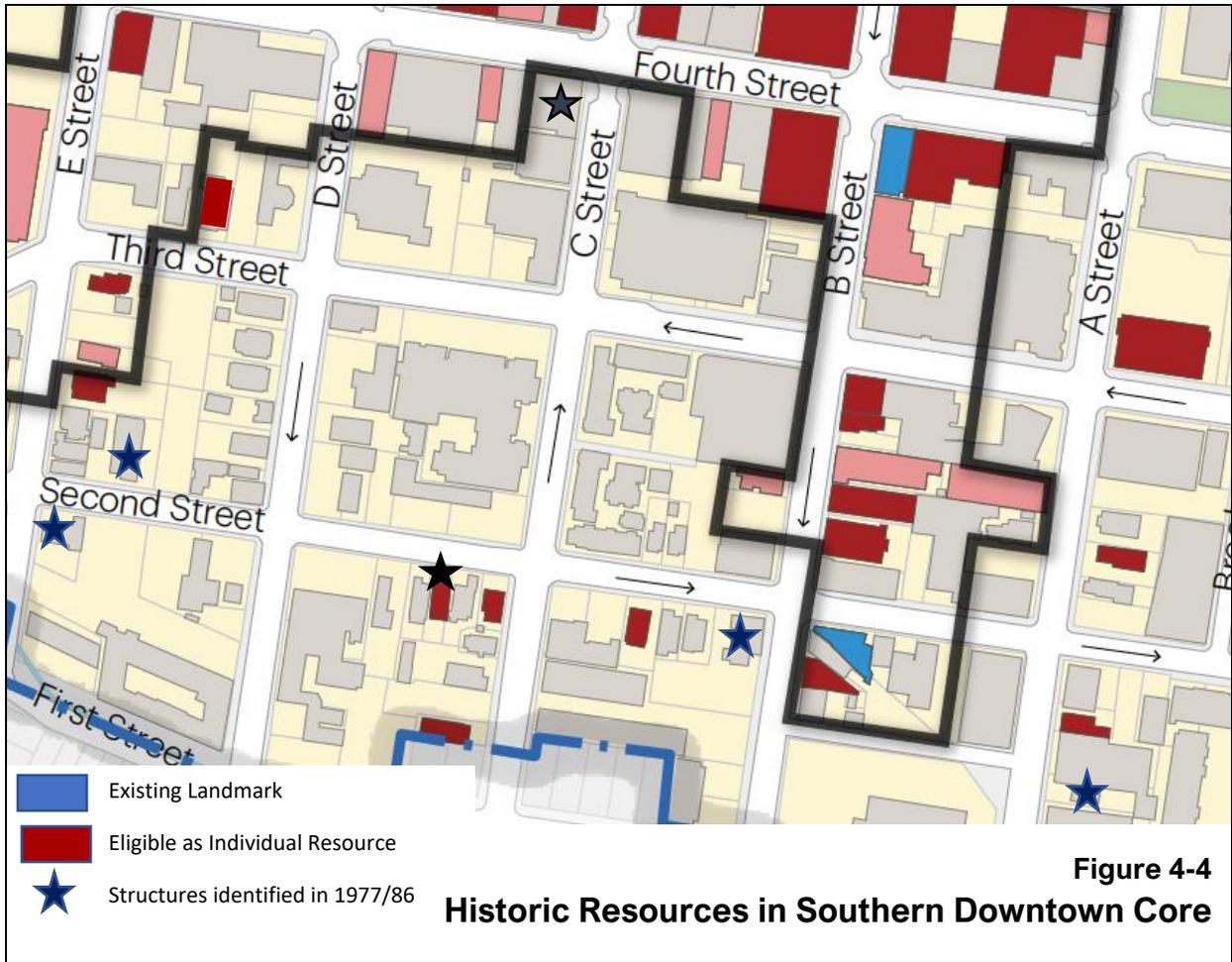
The historic resources survey identified ten (10) individually eligible resources in the Downtown Core area outside of the eligible historic districts described earlier. These properties are all located between E Street on the West, A Street on the east, 4th Street on the North, and 1st Street on the South. Resources in this area are shown in Figure 4-4 and are listed in Table 4-5. Most of these properties are residences; a few are commercial buildings.

Two of the 10 properties in this area were initially identified in the 1977/1986 survey and eight are newly eligible. Figure 4-4 and Table 4-5 also include four properties that had been included in the 1977/1986 survey but were determined to be ineligible during the 2019/20 survey.

Table 4-5: Downtown Core Historic Resources outside of Eligible Districts (excludes Landmarks)

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
1	012-073-07	1301 Second St	Residence	*	Yes, with DPR
2	012-075-03	1215 Second St	Residence	*	Yes, with DPR
3	013-012-20	740 A St	Drummers Tradition (store)	*	Yes, with DPR
4	011-264-07	808 A St	Residence	*	Yes, with DPR
5	011-252-14	810 E St	Residence--add to western district?	*	Yes, with DPR
6	012-073-11	707 C St	Residence	*	Yes, with DPR
7	011-263-21	1030 Third St	First Federal Savings Bank	*	Yes, with DPR
8	011-251-09	1410 Third St	Residence—add to western district?	*	Yes, with DPR
9	013-012-05	720 (728) A St	Relocated NWP rail depot	Good	--
10	012-073-05	1307 Second St	Residence	Good	--
Downtown Core Properties Outside Districts Inventoried in 1977/1986 Survey, Rated as Not Eligible in 2019/20 Survey					
11	011-252-11	1416-20 Second St	Residence	Good	Rated "E"
12	011-253-10	1301-1311 Fourth St	Le Comptoir Wine Bistro; Hayes Building (identified as not original)—add to western district?	Good	Rated "E"
13	011-254-01	1321-1325 Third/ 822 D St	Prandi Property Management; also known as Guenther Bldg	Good	Not Listed
14	012-75-06	1201 Second / 747 B St	Pacifics Baseball Club/ Cosmopolitan Hotel	Good	Rated "D"

Notes: (*)= Not shown as eligible in 1977/86



Gateway Area

The historic resources survey identified 15 individually eligible resources in the Gateway area of Downtown, generally located along Fifth Avenue and Mission Avenue east of the Mission San Rafael Arcangel, and in the area around the SMART Rail station. This area is shown in Figure 4-5. Individual historic resources within this area are listed in Table 4-6. Twelve of the resources in this area were also identified in the 1977/86 survey. Three structures were newly added through the 2019-2020 survey and are covered by DPR Forms in Appendix B.

Additionally, four structures in this area were listed in the 1977/86 survey but were not carried forward or were not re-surveyed. These include the Whistlestop Building, which was deemed ineligible (see Chapter 5 fact sheet).

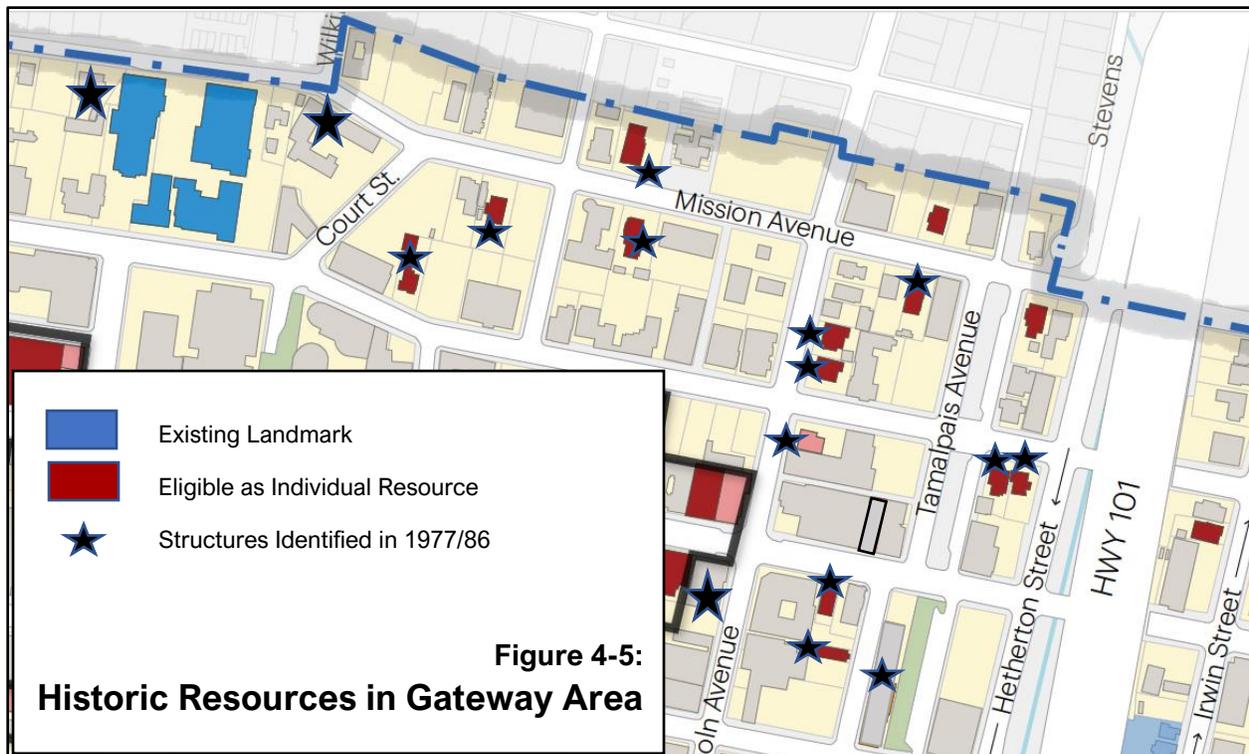


Table 4-6: Gateway Area Historic Resources outside of Eligible Districts (excludes Landmarks)

#	APN	Address	Common Name/ Notes	Rating in 1977/1986 Survey	Newly Added Through 2019 Survey?
1	011-275-02	709 Fourth St	Tavern on Fourth	Excellent	--
2	014-084-02	633 Fifth Av	Resid. to Office/ Kaufman Assoc	Good	--
3	014-084-13	637 Fifth Av	Resid. to Office/VMI Architects	Good	--
4	011-221-08	918 Fifth Av	Residence	Good	--
5	014-081-01	637 Mission	Residence	*	Yes, with DPR
6	011-186-10	710 Mission	Residential Conversion	*	Yes, with DPR
7	011-226-03	705 Mission NWP Station Master	Residential Conversion	Good	--
8	011-223-02	823-25 Mission	Residence	Exceptional	--
9	011-184-10	828 Mission	Residential Conversion	Exceptional	--
10	011-221-03	907 Mission	Resid. to Office/ Nute Engineering	Excellent	--
11	011-275-04	927 Tamalpais	Trevors Pub	Good	--
12	011-227-01	1016 Lincoln	Resid. To Office/ Jaret & Jaret	Good	--
13	011-226-07	1104 Lincoln	Residence	Good	--
14	011-226-08	1110 Lincoln	Residence	Good	--
15	014-085-10	1011 Irwin	Residence	*	Yes, with DPR
Downtown Core Properties Outside Districts Inventoried in 1977/1986 Survey, Not Listed in 2019/20 Survey					
16	011-213-18	1123 Court Street	St Paul's Episcopal	Good	Rated "D"
17	011-213-04	1135 Mission	DeCourtiex House	Good	Rated "Not Individually Eligible"
18	011-273-06	801 4th Street	Luna Travel/Boost Mobile/Office above	Good	Rated "E"
19	011-277-01	930 Tamalpais	Whistlestop	Good	Rated "E"

Notes: (*)= Not shown as eligible in 1977/86

Resources Requiring Additional Research

The 2019-2020 survey provides a comprehensive inventory for about 80 percent of the Precise Plan area. A number of resources may require additional research:

- **Chisolm and Schlosser-Cole Residences.** As noted on Page 4-3, changes in property addresses have created confusion around the landmark status of two properties in the 5th and E vicinity. The Schlosser-Cole Residence (1099 E Street, at the southwest corner of 5th and E) was landmarked in 1979; the Chisolm Residence is noted as being landmarked, but its location is given at 1023 E Street, ^{the original address of 1099} which does not exist. Archived City files from the 1970s for this address contain photos of Schlosser-Cole Residence. City files indicate the residence at 1517 Fifth Avenue ^{It was listed} was built by Christopher Chisolm. This structure was deemed ineligible in the 1977 survey (rated “good” but not “excellent or exceptional”). The 2019/20 survey found it was eligible as an individual resource.
- **930 Tamalpais (Northwestern Railroad Depot, aka “Whistlestop”).** The Depot played a role in the development of transportation in Marin County and is regarded as a potential opportunity for adaptive reuse and restoration. The current owner (Vivalon) uses the building as a senior center but will be relocating to a new facility a few blocks away. Past studies of the building’s historic importance have reached different conclusions; the 2019-2020 Precise Plan Historic Resources Survey found that the building’s integrity had been compromised by prior alterations and additions, ^{It can qualify as a local landmark but not national} making it ineligible for landmark status.
- **Unsurveyed Areas.** As noted earlier, the Latham Street area was excluded from the 2019-2020 Historic Resources Survey since it is not being rezoned and has limited potential for land use change and development. Parts of the Fifth Avenue area were excluded from the 2019-2020 survey, as this area has limited potential for land use change and development. Given the limited resources available for the Downtown survey, the focus was on areas with the potential for more significant infill development and redevelopment. To get a fuller picture of historic resources, a survey of Latham Street (including Hayes Street, and the unit blocks of F Street, G Street, and Ida Street) should be conducted as funding allows. More comprehensive study of historic resources along Fifth Avenue also may be warranted. Finally, additional effort may be needed to survey the portion of Downtown east of Irwin Street, particularly along Fourth Street.
- **Events and Individuals.** Additional research is recommended to identify eligible historic resources associated with past events and important individuals; the 2019-2020 survey included archival research on these topics but was principally focused on architecture.
- **District Designations.** The boundaries of the areas eligible for historic districts as displayed in this report are intended for California Environmental Quality Act (CEQA) analysis. The City does not intend to formally designate “historic districts” at this time. In the event formal designations are proposed, the boundaries indicated in this report may be refined and

potentially contracted (or expanded, as appropriate) based on consultation with property owners, businesses, and others.

- **Mid-Century Buildings.** A number of mid-20th Century buildings (such as 711 D Street) were identified in the survey as warranting further consideration as the 50-year “look back” period increases in length. These structures may not be eligible based on their architectural qualities now, but they may become more important as they age.
- **Structures with “C” ratings in Chapter 5.** The 2019-20 survey identified several structures as needing additional research (noted with a “C” in the Chapter 5 inventory). These buildings span a variety of ages and styles; subsequent research may result in some of these structures moving to the “eligible” list and others being removed.
- **Additional DPR Forms.** Because of funding limitations, the 2019-2020 survey focused on DPR 523 forms for newly identified historic resources, rather than those identified in 1977/1986. While a few of the new DPR forms cover previously inventoried buildings, the focus was on those for which no prior data existed. Many of the resources initially identified in the 1977/1986 survey already had DPR forms available. However, these forms are old, with photos that do not reflect current conditions and information that may be difficult to read. As resources allow, DPR forms should be updated for the approximately 50 properties that were previously surveyed in the 1970s and 80s, and confirmed in 2019/20 to still be eligible landmarks.

Structures Removed From the 1977/1986 Inventory

At least four structures were removed from the 1977/1986 survey due to demolition. These include:

- 1203 Lincoln (former El Camino Hotel), which is now planned for assisted living
- 1212 Second Street (now under construction with a 41-unit multi-family housing project)
- 1313 Fifth Avenue (on the site of the San Rafael Public Safety Center)
- 706 Third Street (former Salute site, now used as a parking lot for Whistlestop)

In addition, about a dozen structures rated as “Good”, “Excellent,” or “Exceptional” in 1977/1986 were revisited in 2019/20 and determined to have diminished integrity based on field observations. Over the past 40 years, these structures have either deteriorated in quality or have had unsympathetic alterations or additions that have reduced their eligibility as historic resources. These properties were generally rated as “E” in the 2019/20 resource survey; they are highlighted in Tables 4-2 through 4-6 of this chapter. More detail on these structures, including the rationale for their “E” ratings, may be found in Chapter 5 of this report.

Parcels with No Historic Resources

Approximately 400 parcels in the Downtown Precise Plan Area boundary were found not to contain historic resources or were not included in the survey. These are listed in Appendix A.

5. Preliminary Assessment of Architectural Significance

Chapter 5 provides field survey forms for approximately 160 properties in Downtown San Rafael that were determined to warrant further study based on the initial screening of historic properties in 2019. The field survey preceded the preparation of DPR forms and was used to determine which properties were potentially eligible as landmarks and which were likely ineligible based on Secretary of the Interior standards. The Fact Sheets represent an intermediate product in the work effort and do not necessarily represent the final determination for each property. A number of properties (such as Mission San Rafael Arcangel) were excluded from the Fact Sheets because their significance had already been established.

Each of the 160 properties was given a letter rating of A through E as follows:

Eligible (Landmark)	Eligible (Contributor, not Landmark)	May be eligible, needs research	Probably ineligible	Ineligible
A	B	C	D	E

These ratings do not specifically apply to the quality or “letter grade” of the resource, but rather are an indicator of eligibility as a historic resource. Buildings with “A” ratings are eligible for consideration as historic landmarks. Buildings with “B” ratings would likely not be eligible individually but could be considered eligible as contributing resources in a historic district. Buildings with “C” ratings require additional research. Buildings with “D” ratings were deemed probably ineligible, but not definitively. Buildings with “E” ratings were determined to be ineligible as landmarks. The survey forms provide an explanation as to why. As appropriate, buildings were also assigned California Historic Resource Status Codes, which is a classification system used to further identify the status of individual resources. A key to these status codes is included at the end of this chapter.

Each survey form includes basic locational information (Address, Assessor Parcel Number, etc), structural information (architectural style, year of construction, use), a description of defining qualities, an assessment of historic integrity, and a conclusion regarding historic significance. Structures are listed alphabetically by street.

A summary of all properties and their letter grades is included in Table 5-1. In total, there were 37 “A” properties (including three A-minus), 55 “B” properties (including four “B-plus”), 15 “C” properties, 10 “D” properties, and 60 “E” properties.

Table 5-1: Properties Covered by Chapter 5 Fact Sheets

ID#	Assessor Parcel	Street Address	Common Name/ Use	Classification
1	013-012-05	720 (728) A Street	NW Pacific Rail (relocated)	A
2	013-012-20	740 A Street	Drummers Tradition	B
3	011-264-07	808 A Street	residence	B
4	011-264-08	812 A Street	residence	E
5	011-262-06	813 A Street	Foam Store	B
6	013-011-02	720 B Street	Saigon Village Restaurant	C
7	013-011-05	724 B Street	Flatiron Building	A
8	013-011-56	747 B St/ 1201 Second St	Cosmopolitan Hotel (Pacifcs)	D
9	011-262-14	810-814 B Street	Worldwide Antiques/Grocery	A
10	011-262-16	826 B Street	Albion House/Hotel Carmel	C
11	011-262-22	834-840 B Street	Players Guitars	A
12	011-262-01	844-848 B Street	Milani Building	A
13	011-261-13	926-930 B Street	Garatti Grocery	D
14	011-212-05	1009 B/ 1200-1212 Fourth	Aileen Apts/ Scandinavian Des.	A
15	011-215-01/-04	1010 B/ 1138-1146 Fourth	Albert Building	A
16	011-261-01	938 B/ 1143 Fourth	McDermott Bldg/ Mulberry Hse	B+
17	012-073-11	707 C Street	offices	A-
18	012-075-17	710-714 C Street	offices	E
19	011-253-06	917 C Street	Youth in Arts	E
20	011-213-18	1123 Court Street	St Paul's Episcopal	D
21	012-071-17	711 D Street	Marin Medical Ctr	C
22	011-254-22	812 D Street	residence	E
23	011-252-06	813 D Street	residence	C
24	011-252-05	817 D Street	residence	C
25	011-253-09	910 D Street	1st gov bldg in map Post Office	E
26	011-246-08	809-11 E Street	residence	C
27	011-252-14	810 E Street	residence	A
28	011-245-27	901 E Street	E Street Grammar School	C
29	011-204-01	1022 E Street	Keaton's Funeral Home	A-
30	011-194-06	105 F Street	residence	E
31	014-084-02	633 Fifth Ave	residence	A
32	014-084-13	637 Fifth Ave	residence	A
33	014-081-08	634 Fifth Ave		E
34	014-081-09	638 Fifth Ave		E
35	011-227-02	709 Fifth Ave	Juice Beauty	E
36	011-224-21	835 Fifth Ave	Merrills Drugs	D
37	011-224-01	845 Fifth Ave	Apartments	D
38	011-221-08	918 Fifth Ave	residence	A
39	011-204-18	1409 Fifth Ave	residence	E
40	011-202-04	1517 Fifth Ave	residence	A

Mash Building

there are too many "lists" with conflicting information. needs a real editor to correct

Please list in numerical order

ID#	Assessor Parcel	Street Address	Common Name/ Use	Classification
41	011-196-05	1539 Fifth Ave	residence	B+
42	011-320-01-to-02	1623-1627 Fifth Ave	Victorian Village	B
43	011-194-01	1637 Fifth Ave	residence	A
44	011-194-02	1629 Fifth Ave	Thomas Morris House	A
45	011-192-01	1721 Fifth Ave	offices	E
46	010-291-16	1800 (01) Fifth Ave	San Rafael Impr. Club	A
47	011-226-06	712 Fifth Ave		E
48	012-054-02	455 1st/ 1621 Second		E
49	014-123-09	505 Fourth St		E
50	014-086-26	532 Fourth St	Thai Smile	E
51	011-275-03	705 Fourth St	Extreme Pizza	E
52	011-227-04	710 Fourth St	Marin Ctr for Independent Living	E
53	011-275-02	709-11 Fourth St	Tavern on Fourth	A
54	011-227-05	716 Fourth St		E
55	011-227-06	718-24 Fourth St	Bayside Marin	E
56	011-273-06	801-05 Fourth St	Old San Rafael Mall	E
57	011-273-05	807 Fourth St		E
58	011-224-11	812 Fourth St	Pizza Orgasmica/Redhill Imports	B
59	011-273-02	827-831 Fourth St	Rafael Florist/Gold Rush Jewelers	A
60	011-224-13	836 Fourth St	Mikes Bikes	B
61	011-214-14	846 Fourth St	Glaze and Confused Pottery	B
62	011-214-14	842 Fourth St	George's Night Club	B
63	011-224-20	866 Fourth St		E
64	011-224-17	874 Fourth St	MMWD with new façade	E
65	011-224-18	882-84 Fourth/ 1010 Lootens	Masonic Bldg	B
66	011-271-03	881-883 Fourth St		A
67	011-271-02	885-87 Fourth St	Vin Antico	A
68	011-271-01	889-91 Fourth St		E
69	011-222-05	900 Fourth St	former EL Camino Theater	E
70	011-263-08	917 Fourth St	California Bakery/Fenix	A
71	011-263-07	925 Fourth St	Boiadeirus Steakhouse	B
72	011-215-04	1118 Fourth St	Rafael Theater	A
73	011-215-02	1122-1132 Fourth St	State Room	E
74	011-261-31	1125-1139 Fourth St	Wilkins Hotel	C
75	011-255-28	1219-1223 Fourth St	Rare Coin/ Cherry Blossom Salon	E
76	011-255-28	1225 Fourth St	Gamescape	A
77	011-212-06	1222-1230 Fourth St	Central Hotel	E
78	011-212-14	1242-1244 Fourth St	Peters Bldg	A
79	011-205-08	1300 Fourth St	Bank of Italy	A
80	011-253-10	* 1301 Fourth St	Hayes Bldg (replica)	E

* Should not be considered at all, cut from list.

ID#	Assessor Parcel	Street Address	Common Name/ Use	Classification
81	011-253-04	* 1313-1317 Fourth St	Tenkuyu (replica)	E
82	011-205-09	1310 Fourth St	Pleasures of the Heart	E
83	011-253-03	1321 Fourth St	Folk Art Gallery	B
84	011-253-02	1327-1337 Fourth St	Artworks/Gordon Opera House	D
85	011-205-11	1322-1328 Fourth St	Mahon House/ Butchart Bldg	A
86	011-253-01	1345 Fourth St	T&B Sports	B
87	011-205-13	1344-46 Fourth St		E
88	011-205-14	1350 Fourth/ 1040 D St		D
89	011-204-08	1400 Fourth St		E
90	011-204-17	1414 Fourth St		E
91	011-204-15	1444-1446 Fourth St	Bombay Grill	E
92	011-251-01	1447 Fourth St	former Redwood Bank	A
93	011-202-14	1504-1512 Fourth St	Former Istanbul Rug ?	B
94	011-202-11	1508-1522 Fourth St		E
95	011-242-11	1531 Fourth St	Cains Tire	B+
96	011-242-10	1533 Fourth St	Mayflower	B
97	011-242-09	1538 Fourth St		E
98	011-242-07	1545 Fourth St		E
99	011-242-04	1553-1555 Fourth St		B
100	011-196-11	1560 Fourth St		E
101	011-242-01	1569 Fourth St		E
102	011-241-32	1605-1611 Fourth St		B
103	011-241-01	1617 Fourth St		B
104	011-232-03	1701 Fourth St		C
105	011-192-08	1714 Fourth St		C
106	010-291-35	1848 Fourth St	Pond Farm	B
107	010-291-57	1850-52 Fourth St		A
108	014-123-10	963-977 Grand Av		D
109	010-291-69	1H St/ 1820 4th St		D
110	014-123-21	914 Irwin St		E
111	014-085-10	1011 Irwin St	residence	B
112	014-085-11	1015 Irwin St		E
113	011-242-22	30 Latham St	residence	B
114	011-273-12	901 Lincoln Av	Sol Food	E
115	011-227-01	1016 Lincoln Av		C
116	011-225-04	1103 Lincoln Av		D
117	011-226-07	1104 Lincoln Av	San Rafael House	B
118	011-226-08	1110 Lincoln Av	residence	B
119	011-226-13	1116 Lincoln Av	residence	E
120	011-226-10	1118 Lincoln Av	residence	C

ID#	Assessor Parcel	Street Address	Common Name/ Use	Classification
121	011-226-01	1120 Lincoln Av	residence	B
122	014-081-02	633 Mission Av		E
123	011-081-01	637 Mission Av		B
124	011-226-03	705 Mission Av		A
125	011-186-10	710 Mission Av		A
126	011-223-02	823-25 Mission Av		A
127	011-184-10	828 Mission Av	residence	A
128	011-221-03	907 Mission Av	residence	A-
129	011-174-11	1012 Mission Av	residence	E
130	011-213-04	1135 Mission Av	De Courtiex House	B
131	011-186-11	1145 Mission Av	residence	E
132	011-272-04	16 Ritter St		E
133	011-272-10	826 Second St		E
134	013-011-06	1115 Second St	Mackey Frames	E
135	012-075-05	1209 Second St		E
136	012-075-04	1211 Second St		C
137	012-075-03	1215 Second St	residence	B
138	012-073-07	1301 Second St	residence	B+
139	012-073-06	1305 Second St		E
140	012-073-05	1307 Second St	residence	B
141	012-073-04	1309 Second St	residence	E
142	012-073-03	1315 Second St		E
143	011-252-11	1416-1420 Second St	residence	E
144	014-011-15	3 Stevens Pl	residence	C
145	011-275-04	927 Tamalpais Av	Barrel House	B
146	011-277-01	930 Tamalpais Av	NWP Rail Depot/ Whistlestop	E
147	014-122-14	610 Third St	French Quarter	E
148	011-263-21	1030 Third St	First Federal Savings and Loan	A
149	011-251-09	1410 Third St		A
150	011-251-11	1414 Third St	residence	E
151	011-243-11	1532 Third St	residence	B
152	014-086-15	514 Fourth St	Marin Shakespeare	E
153	011-227-10	704 Fourth St	Lotus Restaurant	E
154	011-255-23	1203 Fourth St	Wells Fargo	C
155	011-224-10	1001 Lincoln Av		B
156	011-202-06	1099 E St	Chisolm Residence	B
157	011-203-01	1100 E St	San Rafael Public Library	A
158	011-320-03	1623 Fifth Av, Building C	Victorian Village	B
159	011-320-04	1623 Fifth Av, Building D	Victorian Village	B

March 9, 2021

San Rafael Planning Commission

1400 Fifth Avenue
San Rafael, CA 94901

Via email: barry.miller@cityofsanrafael.org; lindsay.lara@cityofsanrafael.org

PLEASE INCLUDE THIS 5-PAGE LETTER IN PUBLIC COMMENTS for the Planning Commission hearing on March 9, 2021, for the draft General Plan EIR

Dear Planning Commissioners:

I have the following comments on the Draft EIR:

1) Aesthetics, pg 4.1-5

Hillside Residential Design Guidelines Manual

The Hillside Residential Design Guidelines Manual, adopted in October 1991, establishes an environmental and design review process for residential development proposed on hillsides to protect the public welfare and to ensure new development is compatible with neighboring development and that new development would will not have a physical or visual impact on the natural setting of the hillside.

The Hillside Residential Design Guidelines Manual outlines guidelines that are intended to provide the foundation for the Hillside Residential and Hillside Resource Residential General Plan land use designation, as guidelines for the environmental and design review process, and as guidelines for development on hillsides that does not fall into a hillside land use designation. The design guidelines provided in the Hillside Residential Design Guidelines Manual include, but are not limited to, limitations on building height and bulk, a natural state requirement which provides for a portion of the land to remain undeveloped and undisturbed, parking requirements on narrow streets, and restrictions on development within 100 feet of the ridgeline. maximum density, maximum building height, additional height limits, preserve mature trees, and preserve unique vegetation.

The Hillside Residential Design Guidelines Manual outlines guidelines for ~~removal of~~ preservation of significant trees, minimizing hillside grading and alterations to natural drainage courses, as well as architectural standards with specific criteria for use of materials and colors that blend rather than contrast with colors of the surrounding landscape and the natural setting.

2) Aesthetics, pg 4.1-8, Neighborhoods, 1st paragraph:

...tree-lined streets and hilly terrain as in the Los Ranchitos, Sun Valley, Fairhills, Lincoln San Rafael Hill, Gerstle Park, West End, Picnic Valley, Bret Harte, and California Park neighborhoods.

PUB9-2

3) Aesthetics, Pg 4.1-10

Change “**The West End District**” to “**The West End Village District**” in order not to confuse this with the West End Neighborhood.

PUB9-3

4) Biological Resources, pg 4.4-42:

Program C-1.16C: Tree Preservation. ~~Consider~~ Adopt a tree ordinances and with standards that limit the removal of trees of a certain size and require replacement when trees must be removed. Adopt the following table defining protected and heritage trees, diameter measured at breast height:(source: Marin County)

Common Name	Botanical Name	Protected Size	Heritage Size
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches
Box elder	<i>A. negundo</i> var. <i>californicum</i>	10 inches	30 inches
California bay	<i>Umbellularia californica</i>	10 inches	30 inches
California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant Chinquapin	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Shreve’s Oak	<i>Q. parvula</i> var. <i>shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	18 inches
Pacific yew	<i>Taxus brevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucus callicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches

PUB9-4

Common Name	Botanical Name	Protected Size	Heritage Size
Sargent cypress	Cupressus sargentii	6 inches	18 inches
Scoulier's willow	S. scouleriana	6 inches	18 inches
Service-berry	Amelanchier tahensis	10 inches	30 inches
Shining willow	S. lucida ssp. Lasiandra	6 inches	18 inches
Silk tassel	Garrya elliptica	10 inches	30 inches
Sitka willow	S sitchensis	6 inches	18 inches
Tanbark oak	Lithocarpus densiflorus	10 inches	30 inches
Valley oak	Q. lobata	6 inches	18 inches
Wax myrtle	Myrica californica	10 inches	30 inches
White alder	Alnus rhombifolia	10 inches	30 inches

PUB9-4

Policy C-1.17: Tree Management. ~~Encourage~~ Require the preservation of healthy, mature trees when development and/or construction is proposed. Site plans should indicate the location of all trees and include measures to protect them ~~where feasible~~. Require a tree management plan prepared by a licensed arborist using published standards and practices for protecting and monitoring the health of the trees both during and post construction.

PUB9-5

Also, included in my comment letter dated December 15, 2020, I recommend adding the following program:

Program C-1.17A. Tree replacement policy.

Adopt a tree replacement policy that reduces our carbon footprint and aligns with the City's policies for Climate Change. Rather than require tree replacement of 3:1, without regard to size, and frequently settling for a noncompliance fee, require tree replacement based on a calculation of energy costs savings, runoff absorption, wildlife support, carbon absorption, fire hazard mitigation, and beauty that is equal to or greater than the trees that are removed.

PUB9-6

5) Biological Resources, pg. 4.4-43:

Policy CDP-3.6: Tree Preservation, Removal and Replacement.

Program CDP-3.6A: Mitigation for Tree Removal. Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site or reducing the footprint of the proposed development. Tree replacement ~~value~~ should be based on a value equal to or exceeding the carbon footprint and ecological benefits of the existing trees proposed for removal. Ecological benefits include water conservation and absorption of water runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention and slope stabilization, wildlife support, and scenic beauty. ~~mass rather than a numeric ratio score.~~

PUB9-7

6) Geology and Soils, pg 4.7-4 – add underlined text:

Chapter 14.12, Hillside Development Overlay District. “...on-site parking, and implements site design policies of the General Plan and the Hillside Residential Design Guidelines Manual.

PUB9-8

7) Geology and Soils, pg 4.7-22, the following changes were included in my previous comment letter dated December 15, 2020, repeated here:

Program S-2.1B: Geotechnical Review: pg 8-7

Continue to require geotechnical studies and peer review for proposed development as set forth in the City’s Geotechnical Review Matrix to assess soil/geologic hazards and determine if these hazards can be adequately mitigated.

Such studies should determine the extent of geotechnical hazards, optimum design for structures, the feasibility and suitability of a proposed development for it’s location, the need for special structural requirements, and measures to mitigate any identified hazards. In some instances, an engineering solution may not be economically feasible, and avoidance of the hazard may be the best way to assure public health and safety, per LHMP. These findings shall be considered in conjunction with development review before project approval. Periodically review and update the Geotechnical Review Matrix to ensure that it supports and implements the Local Hazard Mitigation Plan.

PUB9-9

Policy S-2.2: Minimize the Potential Effects of Landslides

Development proposed in areas with existing or potential landslides (as identified by a registered Certified Engineering Geologist or Registered Geotechnical Engineer or the Local Hazard Mitigation Plan (LHMP)) shall not be endangered by, nor ~~or~~ contribute to, hazardous conditions on a the site or on adjoining properties. Development in areas subject to landslide hazards shall incorporate adequate mitigation measures that have a design factor of safety of at least 1.5 static conditions and 1.0 for pseudo-static (earthquake) conditions.

8) Appendix C: Land Use Map Changes

APN 12-041-13 is a vacant lot at the end of Fremont Road that is the site of a 400 foot swale that funnels water, sometimes a massive waterfall, into a city maintained culvert at it’s base which directs water flow down the hill. When the water isn’t flowing, you can visibly see the land subsidence and deep scars left from years of water wearing a path down the hill, taking the land with it. APN 12-041-13 is currently zoned R-10. This lot is unbuildable and should be zoned as “conservation.”

PUB9-10

9) The reference to the “**Hillside Residential Design Guidelines Manual**” is the correct name of the manual and is referenced in Municipal Code 14.12. Several references in the DEIR have shortened the name to the “Hillside Design Guidelines Manual,” creating inconsistency; you may consider changing to the full name of the manual for consistency and agreement. See Aesthetics, pg. 4.1-5, 3rd paragraph, 5 references; pg 4.1-13, CDP-1.3A, 2 references; pg 4.1-14, Program C-1.10A, 2 references; pg 4.1-15, 2nd paragraph, 1 reference; and pg 4.1-19, 2nd paragraph, 1 reference.

PUB9-11

You have stated in your staff report, under “Summary of Comments Received to Date” that responses to comments received in January and February are still underway. I have not yet

PUB9-12

received a response to a letter I submitted on December 15, 2020. Can you tell me when I can expect to receive a response to this letter and how you will communicate your response.

PUB9-
12 cont

Thank you for your consideration.

Sincerely,

Victoria DeWitt
West End Resident