



**DATE:** August 14, 2021

**TO:** Public Agencies, Organizations and Interested Parties

**FROM:** David Hogan, Contract Planner

**SUBJECT: NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT MITIGATED  
NEGATIVE DECLARATION**

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Pursuant to the State of California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act of 1970” as amended to date, this is to advise you that the Department of Community Development of the City of San Rafael has prepared a **Revised Initial Study** on the following project in response to public comments received on an Initial Study circulated in 2020.

**Project Name:**

Fremont/Marquard Residential

**Location:**

52 & 54 Fremont Road, San Rafael, Marin County, California, APNs: 012-043-11 and 012-043-12.

**Property Description:**

The subject property consists of two lots totaling approximately 0.34 acres (15,136 SF) in size. One lot is currently developed with a single-family residence and detached one-car garage. There are 21 large trees on site and the existing average slopes are approximately 40%.

**Project Description:**

The project involves the following: (1) a Lot Line Adjustment to re-orient the existing lots so that one lot fronts Fremont Road and the other lot fronts on Marquard Avenue; (2) an Environmental and Design Review Permit to modify the existing single family unit on the Fremont Road lot to create a smaller single family residence and new accessory dwelling unit with Exception; and (3) an Environmental and Design Review Permit to construct a new single-family residence the new Marquard Avenue lot. The exceptions are for building setbacks and the amount of minimum required natural state on the proposed Fremont Road lot.

**Environmental Issues:**

The proposed project would result in potentially significant impacts in Biologic Resources, Cultural Resources, Geology and Soils, and Hazards. The project impacts can be mitigated to a less-than-significant level through implementation of recommended mitigation measures and/or through

compliance with existing Municipal Code requirements and other City standards. The Revised Initial Study/Mitigated Negative Declaration document has been prepared in consultation with local, and state responsible and trustee agencies and in accordance with Section 15063 of the California Environmental Quality Act (CEQA). Furthermore, the Revised Initial Study/Mitigated Negative Declaration will serve as the environmental compliance document required under CEQA for any subsequent phases of the project and for permits/approvals required by a responsible agency.

**Public Review Period and Initial Public Hearing Date:**

**A twenty-day (20-day) public review period** shall commence on [Saturday, August 14, 2021](#). Written comments must be sent to the City of San Rafael, Community Development Department, Planning Division, 1400 Fifth Avenue, San Rafael CA 94901 [by Friday, September 3, 2021](#).

The City of San Rafael Planning Commission will hold a public hearing on the Revised Initial Study/Mitigated Negative Declaration and project merits on [Tuesday, September 14, 2021, 7:00 PM](#) in the San Rafael City Council Chambers at City Hall (address listed above). Correspondence and comments can be delivered to David Hogan, email: [dhogan@m-group.us](mailto:dhogan@m-group.us).



## **Fremont/Marquard Residential**

52-54 Fremont Road

Assessor's Parcel Nos: 012-043-11 and 012-043-12

### ***Recirculated***

Initial Study/Mitigated Negative Declaration

Lead Agency:

City of San Rafael  
Community Development Department  
1400 Fifth Avenue (P.O. Box 151560)  
San Rafael, CA 94915-1560

Contact: David Hogan-AICP, Contract Planner

August 14, 2021

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## ENVIRONMENTAL CHECKLIST

1. **Project Title** Fremont/Marquard Residential
2. **Lead Agency Name & Address** City of San Rafael  
Community Development Department  
Planning Division  
1400 Fifth Avenue  
San Rafael, California 94901
3. **Contact Person & Phone Number** David Hogan, Contract Planner  
email: [dave.hogan@cityofsanrafael.org](mailto:dave.hogan@cityofsanrafael.org)
4. **Project Location** The site is located in the City of San Rafael, Marin County, California at:  
  
52 Fremont Road (aka Marquard lot or Marquard Residence)  
Current Assessor's Parcel No: 12-043-011  
  
54 Fremont Road (aka Fremont Road lot or Fremont Road residence)  
Current Assessor's Parcel No. 12-043-012
5. **Project Sponsor's Name & Address** CKD Enterprises, Inc.  
3877 Gravenstein Highway South  
Sebastopol, CA 95472
6. **General Plan Designation** Low Density Residential
7. **Zoning** Single Family Residential with Hillside Overlay (R10-H)
8. **Description of Project**

### Summary of Changes to this Revised Initial Study

In addition to the correction of typographic errors, this Revised Initial Study (IS) incorporates the following updated information.

- Includes additional background information on previous land use applications (see Previous City Applications on Pages 4-5) and some updated project landscaping information (see Page 6).
- Aesthetics. Additional information on the applicable General Plan and Municipal Code (see Impact Discussions I.a and I.d on Pages 15-16).
- Biologic Resources. Includes the results of a Northern Spotted Owl Assessment submitted in response to a comment on the previous document (see Impact Discussion IV.a on Pages 19 and 20).
- Biologic Resources. Includes information on additional tree plantings proposed by the Project Sponsor for the upper lot and related discussion (see Impact Discussion IV.d on Page 21).
- Cultural Resources. Additional information on the existing structure at 54 Fremont Road (see Impact Discussion V.b on Page 23).

- **Geology and Soils.** Adds a reference to a previous Geotechnical Study prepared for an earlier project (which was not approved by the City of San Rafael) on the same site (see Impact Discussion in Section VII on Pages 25 through 27).
- **Greenhouse Gas Emissions.** Includes additional information on the BAAQMD's screening criteria (see Impact Discussion VIII.a on Page 29).
- **Hazards.** Expanded the discussion on the effect of project construction on emergency access (see Impact Discussion IX.f on Pages 31 and 32).
- **Hydrology and Water Quality.** Added information on the lack of onsite groundwater (see Impact Discussion X.b on Page 33).
- **Public Services.** Added additional information on proximal fire hydrants (see Discussion XV.a on Page 38).
- **Transportation.** Added a reference to the discussion of emergency access in Section IX.f (see Section XVII.d on Page 41).

This Revised Initial Study replaces the previously circulated document. The comments received on the first public review draft of the Initial Study/Mitigated Negative Declaration will be provided to City decision makers prior to any future public hearings on this Project.

#### Previous City Applications

Since 2006 there have been two development applications on the site. The following information is provided for historical purposes and is not part of the description of the current Project being evaluated with this Revised Initial Study.

- The City of San Rafael issued a Certificate of Compliance for both lots in 2006. The Certificate of Compliance confirmed that both lots had been legally created and were therefore individually developable. The Certificate of Compliance was recorded on June 27, 2006. There were no special City conditions or requirements placed on its recordation.
- On November 30, 2007, a previous property owner submitted applications for Environmental and Design Review Permits for each lot. The project consisted of a new three bedroom, two and half bath single family residence with a two-car garage on each of the existing lots. Both new residences were proposed to be located adjacent to Fremont Road. This project would have removed the existing structure located at 54 Fremont Road. These applications were withdrawn by the applicant on March 24, 2009.
- On April 15, 2013, a subsequent property owner submitted an application to renovate the existing residence at 54 Fremont Road. The proposal would have created a five bedroom, three and a half baths, three-story single-family residence. Part of this proposal included the removal of those portions of the existing residence that had been constructed over the property line with Lot 8 (52 Fremont Road). The property owner withdrew the application on November 13, 2013.

#### Setting and Background

The project site is located between on Fremont Road, located to the southwest, with double frontage on Marquard Avenue on the northeast. The site consists of two legal lots addressed as 52 and 54 Fremont Road. See the Vicinity Map in Exhibit A for more information. The two lots were created as part of the Map of the West End Addition subdivision recorded in 1913 (RM004-058). There is an existing residence located on 54 Fremont Road that was originally constructed in 1924, according to the County Assessor, a one car garage is located near the southern property line of 52 Fremont adjacent to Fremont Road.

The site is steeply sloping from Fremont Road on the west in a downward direction to Marquard Avenue on the east. Average overall slopes are approximately 40% and development on the site is subject to the Hillside Standards contained in Municipal Code Chapter 14.12. The project site is located in the Wildland Urban Interface area located along the western ridgeline that is shared with the Town of Ross. The site is located within the San Rafael Creek drainage area which flows into San Francisco Bay.

This initial study will refer to the upper residence accessed from Fremont Road as the Fremont Road lot or residence and the proposed lower structure adjacent to Marquard Avenue will be referred to as the Marquard Avenue lot or residence.

### Project Description

The purpose of the project is to reorient/adjust the lot lines of the two existing parcels to one parcel adjacent to Fremont Road and the other parcel adjacent to Marquard Avenue (similar to the configuration of the two parcels east of the site) and construct a new residence on the lower Marquard lot.

To accomplish this the project includes a Lot Line Adjustment to reorient the two existing parcels, and an Environmental and Design Review Permit to construct a new residence on the Marquard Lot; the Fremont Road residence will be refurbished to include an accessory dwelling unit. The Lot Line Adjustment would reconfigure the shape of the existing parcels. The sizes of the existing and proposed lot are summarized below:

#### Existing Parcels:

Lot 9 (54 Fremont)	8,664 SF
Lot 8 (52 Fremont)	6,472 SF

#### Proposed Parcels:

Parcel A (upper Fremont Lot)	8,664 SF
Parcel B (lower Marquard Lot)	6,472 SF

The new Fremont Road structure will consist of approximately a 1,554 square foot single-family square, a 1,104 square foot accessory dwelling unit located underneath the main unit, and a 240 square foot carport. The existing 232 square foot garage will remain in its current location. The existing Fremont Road residential structure will either be substantially rehabilitated, renovated, or rebuilt (referred to as renovated elsewhere in this Revised Initial Study). As part of this work the applicant proposes to eliminate certain elements of the structure to reduce encroachments into the side yard setbacks. Due to the amount of work that is proposed the residence will require sprinklers and the use of fire-retardant materials. Throughout this Revised Initial Study, the project discussion assumes that whether the existing single-family residence is replaced or rehabilitated, that only the proposed accessory dwelling unit (ADU) on the upper Fremont Road lot is new. The ADU is being added in an area that was previously part of the original structure. The approval of the ADU is ministerial and allowed by right.

The new Marquard Avenue single family residence consists of a new two-story residence over a two-car garage. The new residence will include approximately 2,492 square feet over a 636 square feet garage/storage area. The garage will be accessed from Marquard Avenue. Two on-street guest parking spaces will be added in the front of the new unit. The new residence will have fire sprinklers. The proposed project grading would export approximately 624 cubic yards.

New trees and landscaping will also be installed as part of the project. As summarized below, the project proposes to remove 8 of the 21 significant trees. The Municipal Code defines a tree as significant in the Hillside Overlay district when the diameter at breast height is 12 inches or larger (6 inches for larger for oaks). The arborist report identifies 14 significant trees on the lower portion of the site. There are six additional significant trees on the upper portion of the site. One of these additional trees is located within the right of way for Fremont Road. There are also eight other trees that are smaller than 12 inches in diameter at breast height. These include 3 coast redwoods, 1 California bay, and 4 Cherry Plum. Cherry plums are classified as an invasive non-native species. Most of these smaller not significant trees are being removed. The inventory of trees does not include two residual tree stumps (shorter than 4.5 ft in height) with limited green leaf regrowth. Two of the three California Bay trees are border trees and are partially located on adjacent properties.

A summary of the significant trees on the project site is provided below.

Tree Species	Existing	To Be Removed	To Remain	New Trees	Proposed
Coast Redwood	17	8	9	0	9
California Bay	3	0	3	0	3
Live Oak	1	0	1	0	1
Western Hazelnut	0	0	0	10	10
<b>Total</b>	<b>21</b>	<b>8</b>	<b>13</b>	<b>10</b>	<b>23</b>

The project will add six new Western Hazelnut trees adjacent to Marquard Avenue and four on the upper lot. The landscape plan also shows additional shrubs planting along Marquard Avenue residence in front of a proposed fence. According to Chapter 14.12 of the Municipal Code, the project is required to replace significant trees at a ratio of 3 replacement trees for each one removed or pay the established in-lieu fee. The project will comply with these code provisions.

The construction of a future parking deck adjacent to Fremont Road may affect a significantly sized Live Oak and California Bay located adjacent to the right-of-way for Fremont Road. This could alter the number of affected trees in the preceding table but not alter the City's standard requirements related to tree preservation and replacement which will still apply to the Project.

It is estimated that Project construction would require approximately 15 months. This is broken out as follows: site preparation and grading would require approximately 60 workdays, framing and exterior construction would require approximately 230 workdays and the interior details and painting would require an additional 100°workdays.

#### Project Application Entitlements

The project involves the following planning applications:

- Lot Line Adjustment (LLA18-005); to reconfigure the two existing lots.
- Environmental and Design Review Permit (ED18-066); for a new single-family residence on the Marquard Avenue lot.
- Environmental and Design Review Permit (ED20-044); to remodel/replace the existing residence to facilitate the addition of an accessory dwelling unit.
- Exception (EX19-010) to allow for reductions in the building setbacks and hillside natural state requirements for the upper lot. The following exceptions identified below are part of the project.
  - Setbacks:  
Fremont Road Residence  
Front: 20.0 ft. to 11.1 ft. (equivalent to the setback of the existing building)  
Side: 10.0 ft. to 5.7 ft. (the current setback from the property line is about one foot)
  - Natural State Preservation:  
Fremont Road Parcel: 65.69% required, 57.1% proposed (similar to existing condition)

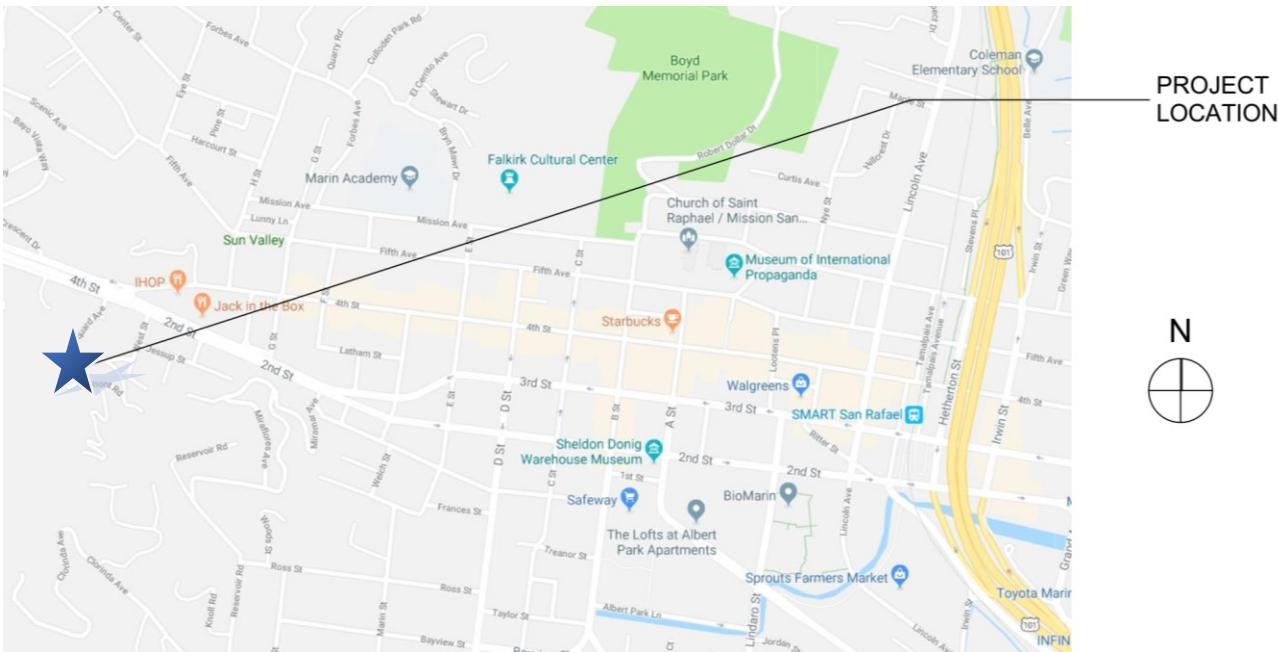
#### **Other Public Agencies Whose Approval Is Required**

No other approvals are required from other public agencies.

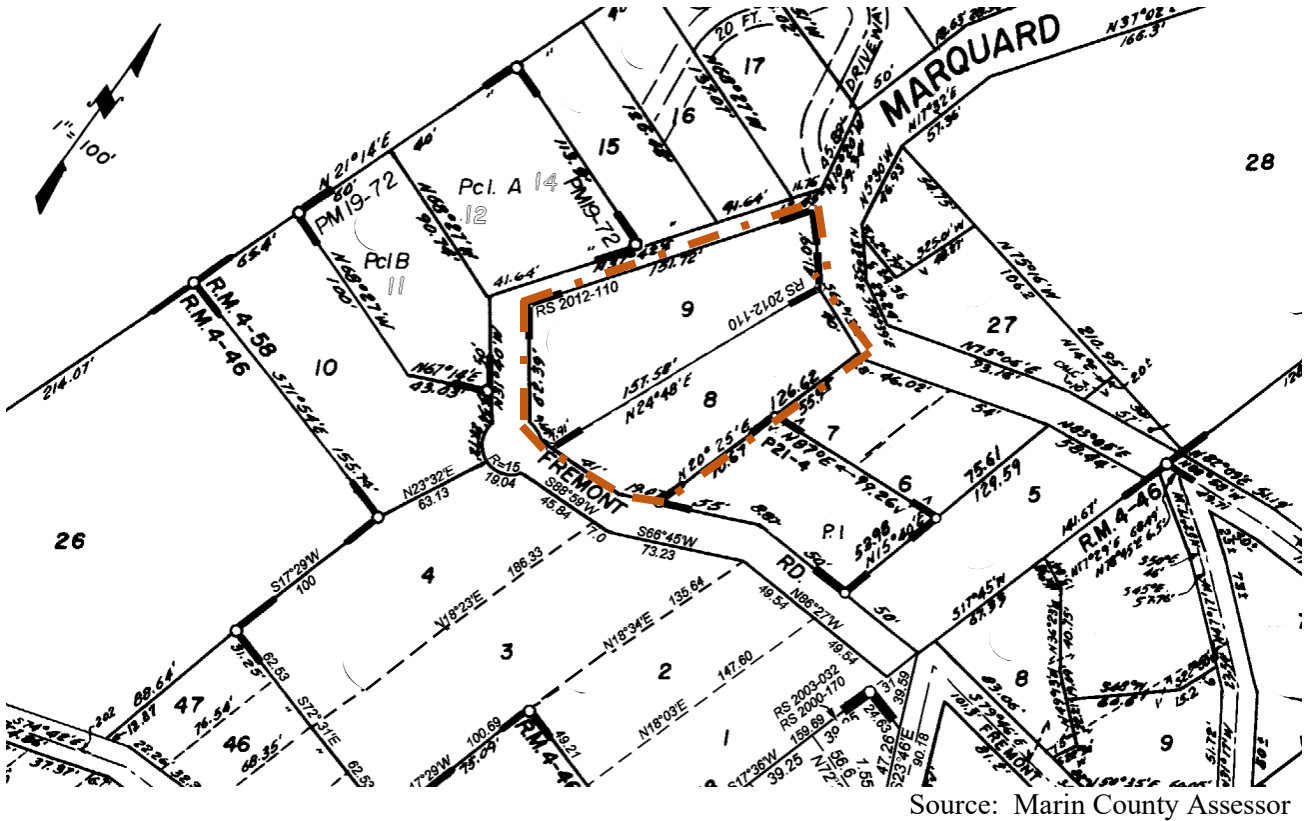


# EXHIBITS

## VICINITY MAP



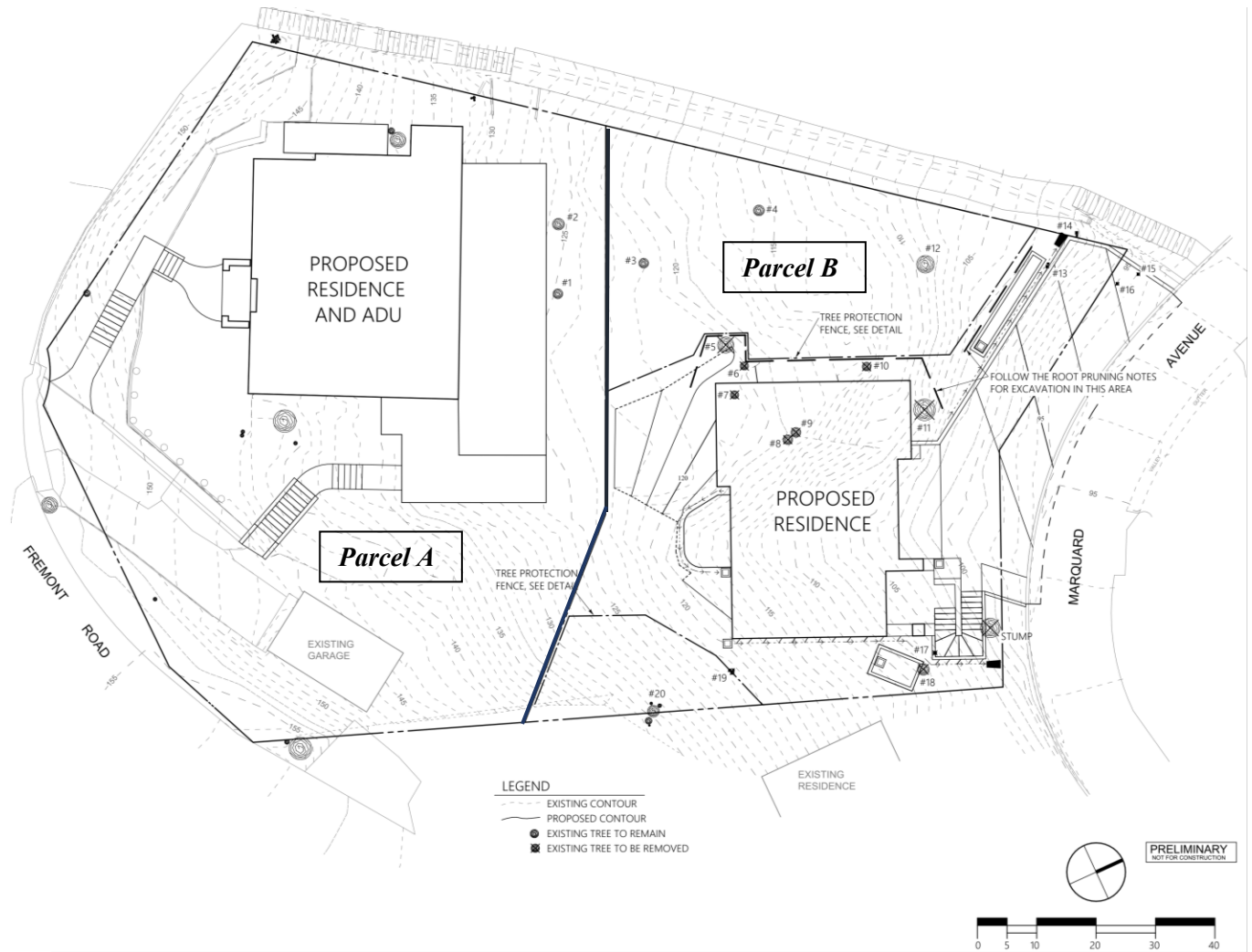
## EXISTING LOT CONFIGURATION



NOTE: Subject parcels are outlined with the dashed line.

## SITE PLAN

### PROPOSED LOT CONFIGURATION



## ELEVATIONS

### FREMONT ROAD RESIDENCE ELEVATION 1



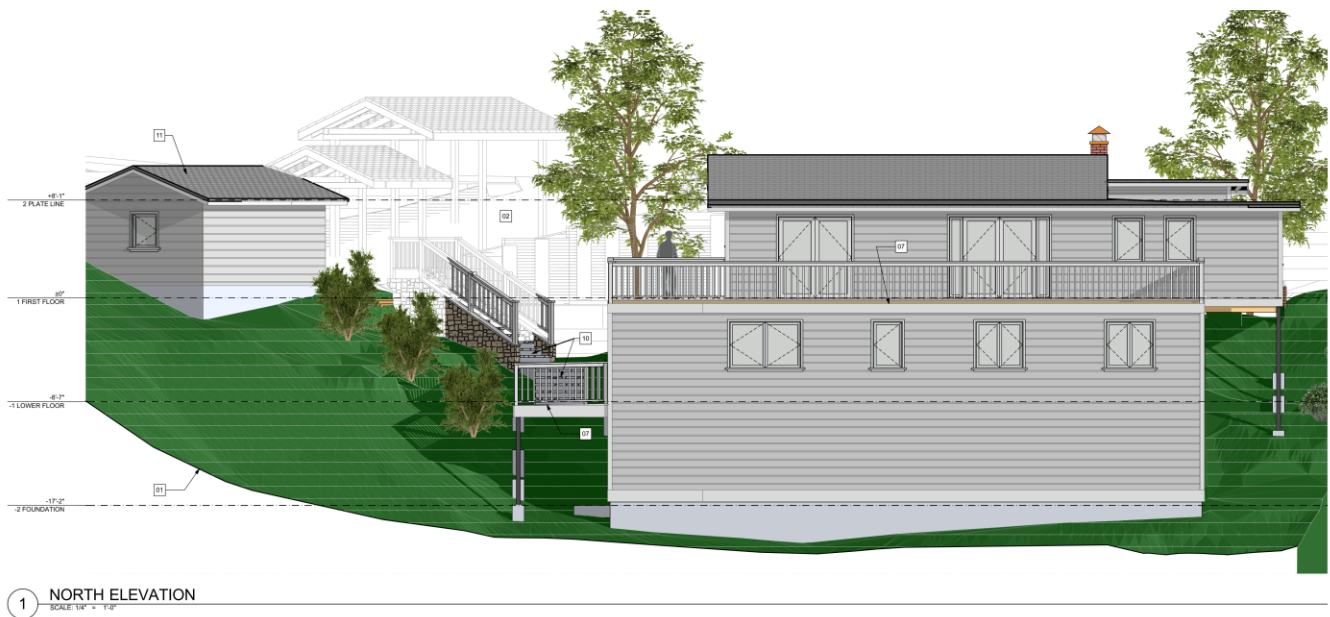
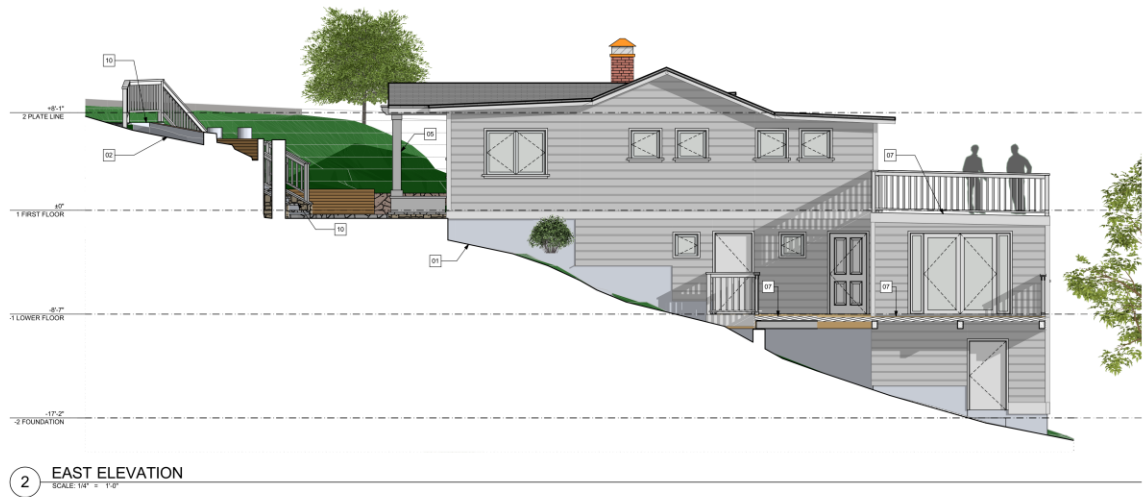
1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

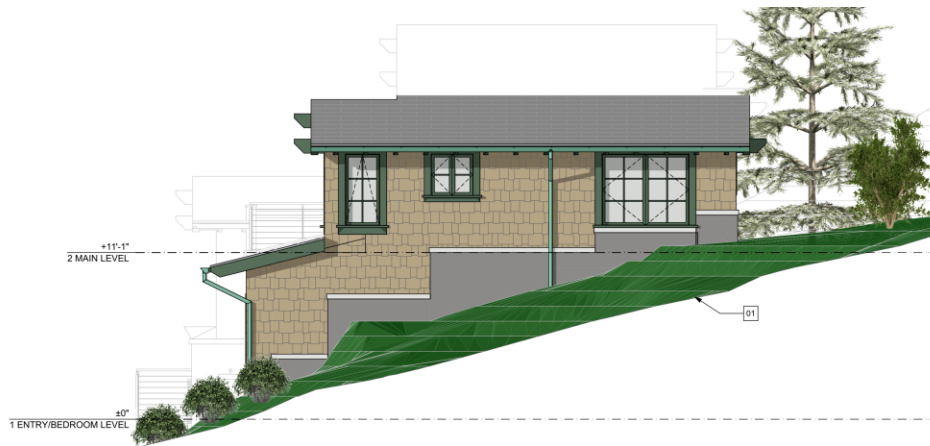
NOTE: The existing residential unit has two stories. The proposed project consists of a one-story residence over a one-story accessory dwelling unit.

## FREMONT ROAD ELEVATIONS 2

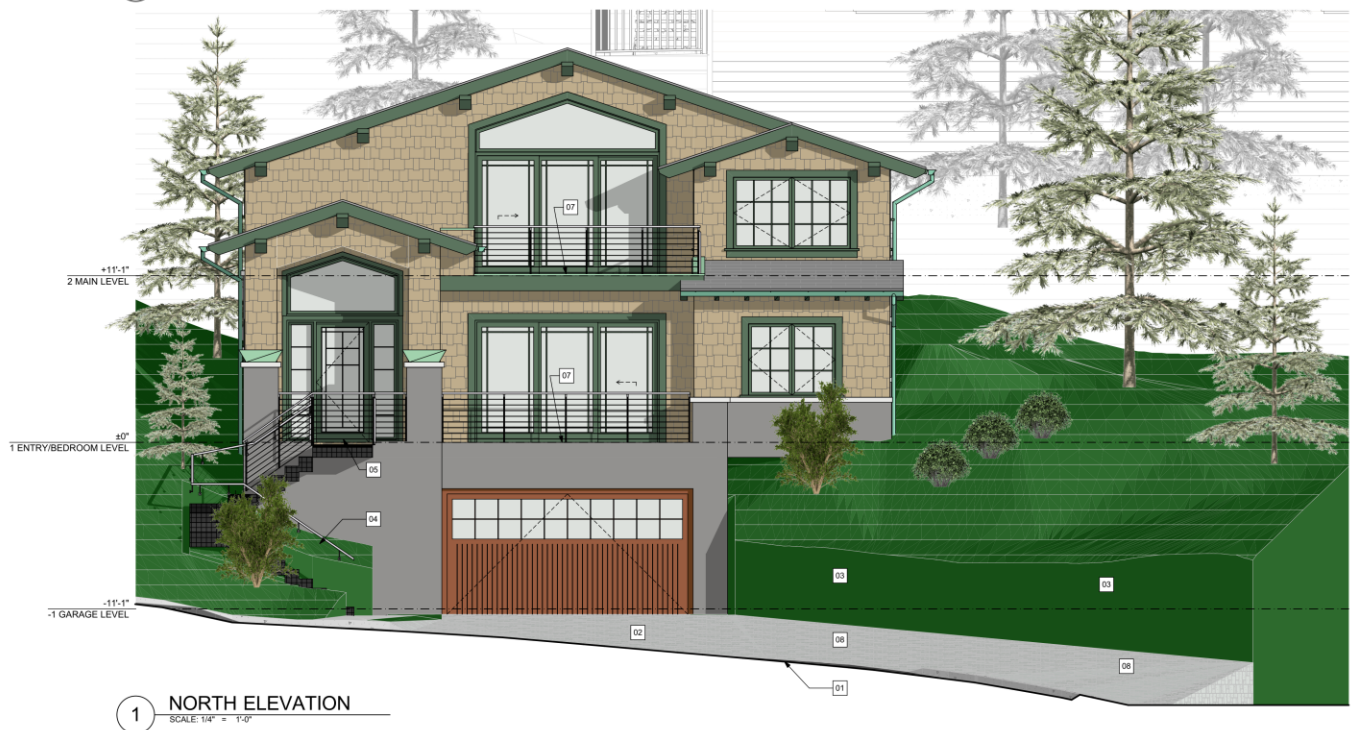


NOTE: The existing residential unit has two stories. The proposed project consists of a one-story residence over a one-story accessory dwelling unit.

# MARQUARD AVENUE RESIDENCE ELEVATIONS 1



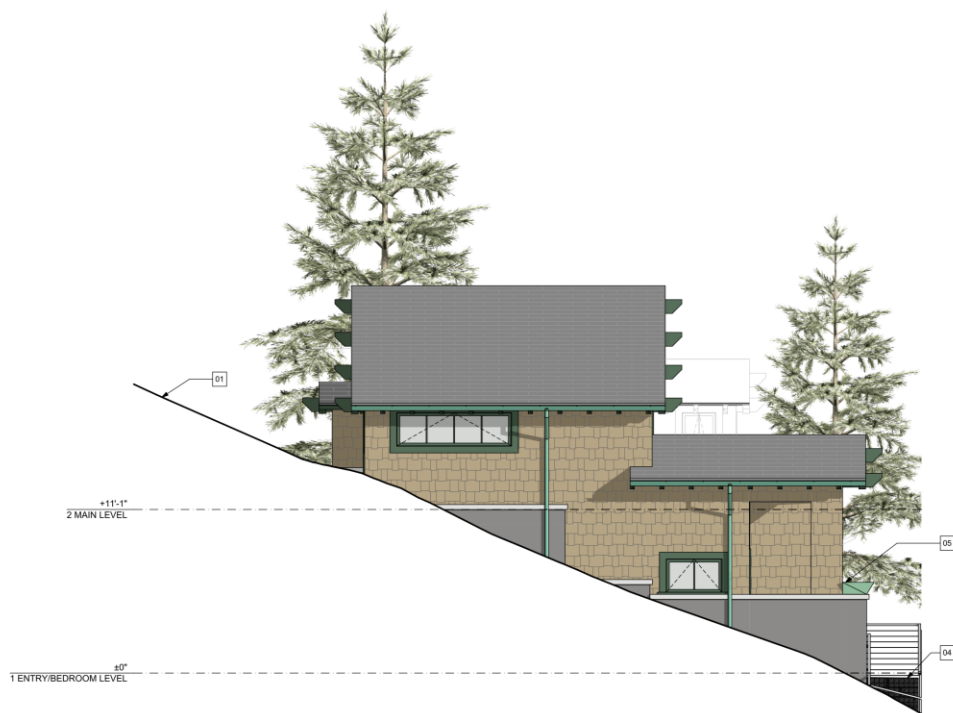
2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



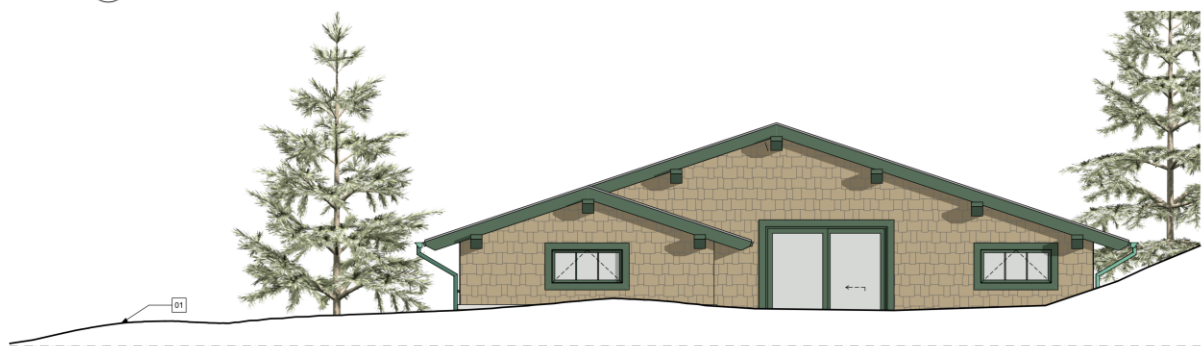
1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



MARQUARD AVENUE RESIDENCE ELEVATIONS 2



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" unless mitigated as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality                              |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources  | <input type="checkbox"/> Energy                                   |
| <input checked="" type="checkbox"/> Geology /Soils       | <input type="checkbox"/> Greenhouse Gas Emissions       | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology /Water Quality        | <input type="checkbox"/> Land Use /Planning             | <input type="checkbox"/> Mineral Resources                        |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing             | <input type="checkbox"/> Public Services                          |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                 | <input type="checkbox"/> Tribal Cultural Resources                |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                       | <input type="checkbox"/> Mandatory Finding of Significance        |

## DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been either (1) adequately analyzed in an earlier document pursuant to applicable legal standards, or 2) addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an EARLIER EIR or NEGATIVE DECLARATION pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature  
Leslie Mendez, Planning Manager

8/14/21  
\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

Evaluation of the Project environmental impacts is prepared as follows:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following: (a) Earlier Analyses Used. Identify and state where they are available for review; (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis; (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.



## I. AESTHETICS

Except as provided in Public Resources Code (PRC) Section 21099,

Would the project:

- a. *Have a substantial adverse effect on a scenic vista?* ☐ ☐ ☒ ☐

### Discussion:

**Less Than Significant Impact:** A scenic vista is characterized as a panoramic view of attractive or impressive natural scenery. The scenic quality, sensitivity level, and view access are important considerations when evaluating potential impacts to a scenic vista. General Plan Goal CD-6. Hillside and Bay - calls for the protection of views in hillside areas though the implementation of Hillside Design Guidelines through the design review process. The Hillside Design Guidelines are further implemented by Chapter 14.12 (Hillside Development Overlay District) of the Municipal Code contains special scenic-oriented development provisions for sites located within 100 vertical and horizontal feet of the crest of an identified ridge line. The project site is an urban infill development in the West End Neighborhood of San Rafael. It is located on the lower slopes more than 100 feet vertically and horizontally of a visually significant ridgeline. The project is located in a canyon on the north side of the ridge and is not visible from distant locations because of the topography, trees, and existing structures. The site will only be visible when driving up Marquard Avenue and from nearby properties. The project site is also located well below the ridgeline. Therefore, any impact will be less than significant.

*(Sources: 1, 2, 3, 4, 7)*

- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* ☐ ☐ ☐ ☒

### Discussion:

**No Impact:** The project is not located adjacent to a State scenic highway. As a result, there are no impacts.

*(Sources: 1, 2, 3, 4, 7)*

- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?* ☐ ☐ ☐ ☒

### Discussion:

**No Impact:** The project is in an urbanized residential area and the potential impacts are discussed under impact discussion I.a above. For the purpose of this evaluation, an area is considered to be urbanized if the majority of the nearby parcels are smaller than a quarter of an acre size, mostly occupied with structures, and do not include agricultural or grazing lands. The surrounding parcels range in size from about 2,000 square feet to 10,000 square feet, are largely occupied by residential structures, and are not use for agricultural purposes. As a result, no non-urban visual impacts will occur.

*(Sources: 1, 2, 3, 4, 7)*

	Significant Impact	Less-than- Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

**Less Than Significant Impact:** The project would involve the construction of an additional single-family residence in a hillside residential neighborhood. The project would result in additional light and glare from normal interior and exterior lighting. However, this additional lighting would not be substantial and is consistent with the lighting found in the adjacent areas. Section 14.16.227 of the Municipal Code (Light and Glare) contains standard provisions that will mitigate any future light or glare impacts. In addition, Paragraph G of Section 14.16.227 requires that all new lighting is subject to the requirements for a 90-day post-installation inspection to reduce any light or glare impacts. As a result, no significant impacts are anticipated, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

## II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to a forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resource Board.

Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 511104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion-All Impacts:

**No Impact:** The project site is located in an urbanized hillside area of west San Rafael and is zoned for single family residential land uses. The site is not designated as prime farmland and there are no Williamson Act contracts associated with the property. The property is also not used or designated for timber production. Therefore, no impacts would result from the project.

*(Sources: 1, 2, 3)*

### III. AIR QUALITY

Where available, the significance criteria established by the applicable Air Quality Management District or Air Pollution Control District may be relied upon to make the following determinations.

Would the project:

- a. *Conflict with or obstruct implementation of the applicable air quality plan?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The project site is located in Marin County, which is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is responsible for assuring that Federal and California Ambient Air Quality Standards are attained and maintained. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed a project's air pollution emissions could potentially cause significant environmental impacts. The BAAQMD's adoption of significance thresholds contained in the 2011 CEQA Air Quality Guidelines, was called into question by an order issued March 5, 2012, in California Building Industry Association v. BAAQMD. In December 2015, the Supreme Court determined that an analysis of the impacts of the environment on a project, commonly known as "CEQA-in-reverse" is only required under two limited circumstances: (1) when a statute provides an express legislative directive to consider such impacts; and (2) when a proposed project has the potential to exacerbate existing environmental hazards or conditions.

The significance thresholds contained in the 2017 CEQA Air Quality Guidelines are applied to this project. For projects, the determination of a significant cumulative air quality impact should be based on the consistency of the project with the Bay Area's most recently adopted Clean Air Plan. A project would be consistent with the 2010 Clean Air Plan if the project does not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2010 Clean Air Plan growth assumptions is consistency with the General Plan land use designation(s) and zoning district(s) for the site. The Clean Air Plan assumptions for projected air emissions and pollutants based on the land use and development projection assumptions in the San Rafael General Plan 2020 (General Plan). The project is consistent with the adopted General Plan which allows development of a single-family residence and ADU on each single-family zoned lot. Therefore, the project is consistent with the Air Quality Management Plan and no significant impacts are anticipated and no mitigation is necessary.

*(Sources: 1, 2, 3, 4, 12, 16)*

- b. *Result in a cumulatively considerable net increase any criteria pollutant for which the project region is non – attainment under an applicable federal or state ambient air quality standard?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The Bay Area is considered a non-attainment area for ground-level ozone and PM<sub>2.5</sub> under both the Federal and California Clean Air Acts. The region is also a nonattainment area for PM<sub>10</sub> under the California Clean Air Act. To attain ambient air quality standards for ozone and particulate matter, the BAAQMD has established thresholds of significance for particulate matter (specifically for PM<sub>10</sub> and PM<sub>2.5</sub>) as well as for ozone precursors (reactive organic gases and oxides of nitrogen).

Site preparation and grading can generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Sources of fugitive dust include winds erosion of disturbed soils and trucks carrying uncovered soil loads. The BAAQMD CEQA Air Quality Guidelines considers these impacts to be less-than-significant if best management practices (BMPs) are implemented to reduce these emission sources. These best management practices are standard conditions of project approval and are implemented as through the City building permit process. In addition, evaporative emissions from architectural coatings are also common air pollutants during construction. These are also regulated by directly by BAAQMD. Given the small scale of the project, no cumulatively considerable emissions are likely. Implementation of the BMPs will reduce any potential air quality impacts associated with grading and new construction to a less than significant level. Once project construction is completed the primary source of air pollution will be related to automobile use. Most motor vehicles on the road today are of a modern design which emit comparatively tiny amounts of air pollutants. As a result, no significant impacts are anticipated. No Mitigation is required.

**(Sources: 1, 2, 3, 4, 12, 16)**

- c. *Expose sensitive receptors to substantial pollutant concentrations?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of Toxic Air Contaminants (TACs) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The project would add an additional single-family residence and ADU into an existing residential neighborhood. Temporary project construction activity would generate dust and equipment exhaust that could affect nearby sensitive receptors, but the amount of grading is limited (in both areal extent and total export). In addition, the closest major roadway, 4th Street with average traffic volumes of approximately 23,000 trips per day, is over five hundred feet away from the Marquard Avenue residence. No other substantial sources of TACs were identified within 1,000 feet of the project site. Therefore, any impacts would be less than significant. No Mitigation is required.

**(Sources: 1, 2, 3, 4)**

- d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The proposed project does not include any uses that would produce objectionable odors. The proposed use is consistent with surrounding uses and long-term operation of the building would not create objectionable odors. No impacts will occur, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

#### IV. BIOLOGIC RESOURCES

Would the Project:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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##### Discussion:

**Less Than Significant Impact.** The project is located within a hillside area that is substantially urbanized. A review of the available literature (such as maps contained in the General Plan and Environmental Impact Report) indicates that the site does not contain suitable habitat for special-status plant or animal species. The site was previously disturbed and is mostly occupied by residual coastal redwoods. The ground surface is covered with redwood tree suckers, leaf litter, and ruderal vegetation (in those areas that are not underneath the trees).

During the review of the previous Initial Study, the City received a public comment stating that there were Northern Spotted Owl nests approximately a quarter mile from the project site and expressing a concern that the project could affect these nests. In response to this comment a Northern Spotted Owl (NSO) Assessment was prepared by WRA Environmental Consultants. The Assessment confirmed that NSO nests had been previously identified 0.22 miles southwest and 0.21 miles northwest of the site.

The Assessment evaluated the likelihood that NSO would use one of the onsite trees to establish nests. The onsite tree canopy is provided primarily by a small cluster of coast red woods located near the center of the site. These redwoods vary in size, but the largest are moderate-sized, and exhibit some canopy complexity which include a tall, multi-tiered canopy with multi-tree species canopy dominated by big trees and containing cavities and/or broken tops. However, the more complex parts of the onsite canopy are limited in extent and were also determined to be relatively exposed. The Assessment concluded that the project site and its immediate vicinity provide only marginally suitable habitat elements because of the lack of dense contiguous forest (typical for higher quality NSO forest habitats) and because of the developed residential character, with related anthropogenic noise levels, of the project and its vicinity.

U.S. Fish and Wildlife Service technical guidance on the Northern Spotted Owl indicated that the maximum estimated harassment distance (the maximum distance is based upon loud noises) is 500 feet. Since the closest nests are three times that distance, the project would not have an impact on NSO nesting. However, it is possible that future tree removal could affect the NSO if nests were subsequently established on or immediately adjacent to the site. Mitigation Measure BIO-1 will ensure that there are no impacts to Northern Spotted Owls and other typical avian species.

**Mitigation Measure BIO-1: Protection of Northern Spotted Owl and Other Avian Species Nesting.** To avoid impacts to nesting birds, all tree removal within the Study Area shall be conducted outside of the nesting bird season, between September 1 and January 31, to the extent feasible. If tree removal occurs within the nesting season, between February 1 and August 31, a qualified biologist will conduct a nesting bird survey no sooner than 14 days prior to the start of work; and if no active nests are found, work may begin. If active nests are found during the survey, the qualified biologist shall establish a protective buffer zone around the nest within which no work will be allowed. The buffer shall be clearly marked. The buffer shall be maintained until the young have fledged the nest or the nest

becomes inactive (e.g., due to predation). If tree removal ceases for longer than 14 days, another nesting bird survey shall be conducted. If active nests are found during the survey, the qualified biologist shall establish a protective buffer zone around the nest within which no work will be allowed.

Mitigation Measure BIO-1 applies to both properties. The proposed Project would have a less-than-significant impact on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. No mitigation is required.

**(Sources: 1, 2, 4, 22)**

- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project is located within a hillside area that is substantially urbanized. There are no riparian areas, vegetation, or other sensitive natural communities onsite. Therefore, the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and no mitigation is required.

**(Sources: 1, 2, 4)**

- c. *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** No wetlands or non-wetland waters were observed on the Project site. Therefore, no impacts are anticipated, and no mitigation is required.

**(Sources: 1, 2, 4, 7)**

- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites??*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The Project site is located in an area with roads and surrounded by other, mostly, residential structures. The site is not located between other large natural or conservation areas. The site and surrounding area have contained roads and residences since the early 1900's. At present there is ongoing, year-round, human activity in the surrounding area which make use of the site for nursery sites for medium and large native species unlikely. However, the use by very small and small native and non-native species for nursery purposes is expected to occur. As previously noted, the site does not contain waterways or wetlands. Though unlikely, it possible that portions of the site could potentially be used for some of those purposes, particularly by smaller species. With this limited

	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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potential for use, the project will not have a significant adverse impact the wildlife migration or nursery-related activities and no mitigation is required.

**(Sources: 1, 2, 4, 6, 7, 22)**

- e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The site contains 21 significant and 8 smaller trees. The project would remove eight of the significant trees and six of the smaller trees. The landscape plan indicates that new landscaping, consisting of shrubs and groundcover and native trees, are proposed adjacent to Marquard Avenue and around the rehabilitated structure on the upper lot. Remaining areas will be sowed with a native seed blend to restore the area to a more natural state. The City has adopted standards concerning the care and replacement of significant trees. Municipal Code Section 14.25.050 requires that projects to either replace (at a ratio of 3 to 1) any removed significant trees or pay an in-lieu fee. To meet the municipal code requirements the project applicant proposes to plant three new trees on the lower lot, four new trees on the upper lot, and pay the established in-lieu fee for the remaining seventeen trees. As proposed, the project would be in compliance with these local standards will reduce any impacts to a less than significant level, and no additional mitigation is required.

**(Sources: 1, 2, 4, 6)**

- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved habitat protection/preservation plans that apply to the site. Therefore, there is no impact, and no mitigation is required.

**(Sources: 1, 2, 3)**

## V. CULTURAL RESOURCES

Section 15064.5 of the State CEQA Guidelines defines a historical resource as either a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or an object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. A project could have a significant effect on the environment if it "may cause a substantial adverse change in the significance of an historical resource." Impacts to those cultural resources not determined to be significant according to the significance criteria described above are not considered significant for the purposes of CEQA.

Would the Project:

- a. *Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## Discussion:

**Less Than Significant Impact.** The project involves the substantial rehabilitation or demolition and reconstruction of the existing single-family residence at 54 Fremont Road. The structure was initially constructed in 1924 and appears to have been altered periodically since then. Because the structure is over fifty years old it is presumed to be potentially significant and an assessment of the structure is warranted. A Historical Resource Evaluation was conducted by M-Group to evaluate the historic value of the existing building under CEQA.

The following are the four significance criteria of the California Register. These criteria are also contained in Chapter 2.18 (Historic Preservation) of the San Rafael Municipal Code. To be eligible for the California Register, an historical resource must be significant at the local, State or national level under at least one of the following criteria.

**Criterion 1:** Event or Patterns of Events. Is it associated with events or patterns of 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?

Evaluation: Historical research has determined that the existing structure does not qualify under Criterion 1: Event/Patterns of Events. While the structure possesses an association with early development in the San Rafael area, this association does not rise to a level of significance to justify individual California Register eligibility.

**Criterion 2:** Important Person(s). It is associated with the lives of persons important to local, California or national history?

Evaluation: Historical research has determined that the existing structure is not associated with any individuals who have had an important role in local, state, or national history. As a result, the structures do not qualify individually under California Register Criterion 2: Important Person(s).

**Criterion 3:** Design/Construction. Does it embody distinctive characteristics of a type, period, region or method of construction, or represents the work of a master, or possesses high artistic values?

Evaluation: No significant architect or designer has been identified with the property. The primary structure is not an outstanding example of its respective architectural styles within the context of the style as represented in the region and thus is not individually eligible for the California Register.

**Criterion 4:** Information Potential. Has it yielded, or does it have the potential to yield, information important to the prehistory or history of the local area, California or the nation?

Evaluation: Since the structures do not possess individual historical significance, an analysis of integrity has not been undertaken. It should be noted however that the structures have been altered significantly and no longer retain important identifying features.

The conclusion of the Historic Resource Evaluation indicated that the structure does not possess historical significance, is not a strong example of a style or building type, was not designed by a master architect or builder, is not associated with important events or persons, and concluded that the structure is not individually eligible for California Register of Historical resources. Because the Fremont Road residence does not qualify as historical resources under CEQA Guidelines §15064.5(a)(3), no significant impacts to designated historic structures will occur and no mitigation is required.

**(Sources: 1, 3, 4, 9, 18, 21)**



- |   | <i>Significant<br/>Impact</i> | <i>Less-than-<br/>Significant with<br/>Mitigation<br/>Incorporated</i> | <i>Less-than-<br/>Significant<br/>Impact</i> | <i>No Impact</i>         |
|---|-------------------------------|--|--|--------------------------|
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>      | <input checked="" type="checkbox"/>                                    | <input type="checkbox"/>                     | <input type="checkbox"/> |

Discussion:

**Less Than Significant Impact with Mitigation.** The project is located on a sloping hillside in an area identified that has a low sensitivity for (i.e. low likelihood of) containing archeological resources. The location of the property is in a dry canyon and the lack of attractions for pre-historic hunter-gatherer use (e.g. water, shelter, outcrops of usable rocks, and/or a vantage point for hunting) make it unlikely that archeologic deposits or tribal cultural resources are present. Based on a review of databases, City records, and other available data, no prehistoric or archaeological resources are known to occur on the site or within the immediate vicinity. The upper portion of the site is occupied by an existing structure that was initially constructed around 1924. The sustained use over time would have disrupted any archaeological deposits present on the property. Although construction of the proposed project would have no impact on known archaeological resources, there is a possibility that previously unidentified archaeological resources could be present. Because the possibility of encountering previously unknown archaeological resources during construction cannot be completely discounted, the project has the potential to disturb or damage these resources. This disturbance could be significant. To prevent any significant impacts the following mitigation measure is required.

**Mitigation Measure CUL-1: Protect Archaeological Resources Identified during Construction:** The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).

Mitigation Measure CUL-1 applies to both properties. The implementation of Mitigation Measure CUL-1 would any reduce impacts to less-than significant-level. Following project construction, occupation of the residences is not expected to affect archaeological resources.

*(Sources: 1, 3, 4, 7, 9, 18)*

- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion:

**Less Than Significant Impact with Mitigation Incorporation:** As discussed under topic V(b) and in Section XVIII, there are no formal cemeteries or known human remains on the subject site. However, the potential for their presence cannot be entirely ruled out. Construction-related excavation could potentially expose, disturb, or damage previously undiscovered human remains. Therefore, to reduce the potential disturbance of unknown human remains during construction to less than significant levels, the following mitigation measure is required:

**Mitigation Measure CUL-2: Protect Human Remains Identified During Construction:** The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work

stoppage and immediate notification of the Marin County Coroner and qualified archaeologist. If the Coroner's determination that the human remains are probably Native American, the Native American Heritage Commission (NAHC) shall be notified in accordance with the requirements in PRC Section 5097.98. A qualified archaeologist, the Project proponent, a representative from the City of San Rafael, and the NAHC-designated Most Likely Descendent shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

Mitigation Measure CUL-2 applies to both properties. The implementation of Mitigation Measure CUL-2 throughout the ground-disturbing construction phase of the project would minimize potential impacts on any buried human remains and related funerary objects that may be accidentally discovered to a less-than-significant level.

(Sources: 1, 3, 4, 18)

## VI. ENERGY

Would the Project:

- a. *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less Than Significant Impact:** Project construction will result in the short-term use of energy. This includes both fossil fuels to operated vehicles and larger machinery and electricity to operate small and hand-held equipment. However, this construction-related energy usage will be of short duration and does not represent a significant impact. Long-term energy use will result from operation of the project and would include activities such as lighting, heating, and cooling of the new residences. Implementation of the project would result in an incremental increase in energy usage compared to current conditions. The new residence and ADU as well as the reconstructed residence will be required to comply with Title 24 of the California Code of Regulations, Building Energy Efficiency Standards that mandate more efficient (less wasteful) energy consumption. These energy code requirements will ameliorate any potential impacts related to the wasteful and inefficient consumption of energy resources. Therefore, the project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. No mitigation is required.

(Sources: 1, 2, 4, 10, 12, 13)

- b. *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less Than Significant Impact:** The project would be required to comply with Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards. Additionally, the project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. The project would not conflict with or obstruct applicable State and local plans for promoting use of renewable energy and energy efficiency. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 4, 10, 12, 13)

## VII. GEOLOGY AND SOILS

A Soil Investigation was prepared for the site by Reese & Associates, Consulting Geotechnical Engineers (2019) and was used in the assessment of onsite soil and geotechnical conditions. A previous geotechnical assessment from 2007 was also consulted.

Would the Project:

a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less than Significant:** The site is located within the seismically active San Francisco Bay Area. The closest known active faults near the project are the Hayward and San Andreas faults, which are located roughly approximately 7 miles to the northeast and 8.5 miles southwest, respectively. In the event of a major earthquake in the Bay Area, the site would experience seismic shaking. However, since no active faults are known to cross the project site, and the site is not located within an Alquist-Priolo Special Study Zone, the potential for fault surface rupture in the Project area is very low. As a result, any impacts would be less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5A, 5B, 14)

ii) *Strong seismic ground shaking?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less Than Significant Impact with Mitigation Incorporated:** According to the Soil Investigation the site is located in a seismically active region and would experience ground shaking from a major earthquake on any of the active Bay Area faults. The intensity of ground shaking will depend on the characteristics of the causative fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. The potential for strong seismic shaking at the project site is high. Due to their proximity and historic rates of activity, the San Andreas and Hayward Faults present the highest potential for severe ground shaking which could affect subsurface soil conditions and onsite structures. The Soils Investigation prepared for the site assesses the underlying geologic conditions and contains recommendations to mitigate local conditions. To ensure that technical recommendations to ameliorate these issues are addressed prior to construction, a project level geotechnical investigation based upon the final/approved design of the onsite structures shall be prepared. These recommendations would be incorporated into the design of any future structures and into the required building permits. Therefore, to reduce the potential impacts related seismic shaking to less than significant levels, the following mitigation measure is proposed:

**Mitigation Measure GE0-1: Design Level Geotechnical Investigation.** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer based upon the approved project. The geotechnical investigation shall incorporate the recommendations and requirements identified in the Peer Review conducted by Miller Pacific Engineering Group dated January 21, 2021. Minimum mitigation includes

design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs.

Mitigation Measure GEO-1 applies to both properties. Implementation of **Mitigation Measure GEO-1** will reduce potential impacts by ensuring that the design of the final approved structures will with seismic and geotechnical impacts to a less than significant levels and no further mitigation measures will be required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

iii) *Seismic related ground failure, including liquefaction?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant with Mitigation Incorporated:** Liquefaction refers to the sudden, temporary loss of soil strength during strong ground shaking. The effects of liquefaction can vary from cyclic softening resulting in limited strain potential to flow failure which cause large settlements and lateral ground movements. Lateral spreading refers to a specific type of ground failure characterized primarily by horizontal displacement of surficial soil layers as a consequence of a subsurface granular layer. Lateral spreading can occur on relatively flat sites with slopes less than two percent under certain circumstances. Lateral spreading can cause ground cracking and settlement. Liquefaction can occur when groundwater levels are less than 30 feet below the ground surface and onsite soils have higher percentages of sand. The site is not located in an area subject to liquefaction. No shallow groundwater was detected during the subsurface exploration. The recommendations in Mitigation Measure GEO-1 will address issues related to seismically induced ground failure. As a result, any potentially significant impacts will be reduced to a less than significant level and no additional mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B, 14)**

iv) *Landslides?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporated:** As previously discussed, site is steeply sloping with relatively shallow soils overlaying the rocks of the Franciscan Complex. While the northern western portion of the site contains the remnants of a historic debris flow that originated from farther up Moore Hill that came to rest of the project site prior to the construction of the Fremont Road residence. Landslides were identified as a major issue in the Soil Investigation Report. The project includes a debris flow redirecting barrier to protect the lower structure from a potential inundation. In addition, the Soil Investigation Report contained a number of recommendations to ensure the safety and stability of any future construction. This report has been reviewed by the City Public Works Department. The recommendations detailed in the soils investigation for the final approved project resulting from Mitigation Measure GEO-1 that will be prepared after the approval of the project will address issues related to landslides and other geologic hazards. As a result, any potentially significant impacts will be reduced to a less than significant level and no additional mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

b. *Result in substantial soil erosion or the loss of topsoil?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project site is sloping with average slopes of approximately 40%. Steep slopes always have a higher potential for soil erosion. Proposed project grading will require the preparation and City approval of a grading plan. The grading plan will incorporate erosion control measures to minimize or prevent soil loss. These measures include actions to be taken both during and after construction as required by the City of San Rafael Department of Public Works' Grading and Construction Erosion and Sediment Control Plan Permit Application Package as well as any applicable Regional Water Quality Control Board standards. Implementation of these standard requirements will reduce impacts from the loss or erosion of soil to a less than significant level and no further mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on, or off, site landslide, lateral spreading, subsidence, liquefaction or collapse?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporated.** As noted above, the results of the Soil Investigation prepared for the site indicated that in site soils are relatively shallow and comprised of discontinuous accumulations of sandy silt, silty sand and clays, and clayey sand with gravel overlying the bedrock of the Franciscan Complex. The underlying Franciscan Complex is not considered to be an unstable surface for construction. Soil investigation test pits revealed that the depth of these soils over the Franciscan Complex varied from between five and ten feet. However, the Soils Report indicated a high probability of onsite soil creep (the slow movement of soil material down a slope). The Report recommended that a drilled pier and grade beam construction system be used to construct the Marquard Avenue residence. As previously noted, the recommendations in Mitigation Measure GEO-1 along with the provisions of the building code will reduce any potential impacts to a less than significant level. No additional mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporated.** As discussed above, onsite soils containing higher percentages of clays have the potential to be expansive. Soil expansion can occur when clay particles interact with water, which can cause seasonal volume changes in the soil matrix. The clay soil swells when saturated and then contracts when dried. The phenomenon generally decreases in magnitude with increasing confinement pressures at increasing depths. Expansive soils can also cause or contribute to soil creep on sloping ground. The Soils Report did not identify any issues with expansive onsite soils. However, it during the building permit process, localized areas of expansive soils are identified, the requirements of Mitigation Measure GEO-1 will include recommendations to minimize this issue. As a result, any potential impacts will be reduced to a less than significant level. No additional mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

	Significant Impact	Less-than- Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

**No impact.** No septic tanks would be used as part of the proposed project. The project will be required to connect to the existing San Rafael Sanitation District sanitary sewer. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed project.

**(Sources: 1, 2, 3, 4)**

f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** The site is underlain by rocks of the Franciscan Complex. This bedrock complex is best described as an assemblage of deformed and metamorphosed rock units which do not generally contain unique paleontologic resources or fossils. As a result, any impacts are less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

## VIII. GREENHOUSE GAS EMISSIONS

Would the Project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Greenhouse Gases (GHGs) trap heat in the atmosphere and affect atmospheric temperatures. While a certain amount of heat trapping is responsible for maintaining a habitable planet, excessive atmospheric heating, also known as the greenhouse effect, can upset or alter climate patterns that human societies rely upon. The most common GHGs are carbon dioxide (CO<sub>2</sub>) and water vapor but there are also several others, most importantly methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs include:

- CO<sub>2</sub> and N<sub>2</sub>O are byproducts of fossil fuel combustion.
- N<sub>2</sub>O is associated with agricultural operations such as fertilization of crops.
- CH<sub>4</sub> is commonly created by off-gassing from agricultural, livestock, and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semi-conductor manufacturing.

While GHGs are emitted locally they have global implications. Each GHG has its own potential to affect atmospheric warming. This is expressed in terms of a global warming potential based upon carbon

dioxide, the most common greenhouse gas. On this CO<sub>2</sub> being assigned a value of one and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

An expanding body of scientific research supports the theory that global climate change is currently affecting changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California that support human life are adversely affected by the global warming trend. Climate change could result in sea level rise will increase coastal flooding, saltwater intrusion and degradation of wetlands as well as changes in the pattern and amount of rainfall. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could also directly affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

The project involves the construction of a single-family residence on the Marquard Avenue lot and substantial remodel of an existing single-family residence with new accessory dwelling unit on the Fremont Road lot. The construction of one additional residential unit will contribute to a small incremental increase in GHG emissions. This analysis assumes that the existing Fremont Road structure could be re-occupied without a discretionary City decision. The construction of an additional single-family residence consistent with the General Plan will not conflict with applicable plans to reduce greenhouse gas emissions. In addition, the BAAQMD screening criteria provide a conservative estimate above which a project would be considered to have a potentially significant impact to air quality. Projects that are below the screening criteria levels are expected to result in less than significant impacts to greenhouse gases since pollutant emissions would be minimal and a quantitative analysis of the project's air quality emissions is not required. The smallest screening criteria for single family residential development is 56 units. Since the project proposes to add only one additional unit and one accessory dwelling unit, no significant impacts are anticipated, and no mitigation is required.

*(Sources: 1, 2, 3, 4, 10, 12, 13)*

- b. *Conflict with an applicable plan, policy or regulation for the purpose of reducing the emissions of greenhouse gases?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project would involve the construction and occupation of an additional residential unit and additional accessory dwelling unit and would contribute to a small incremental increase in GHG emissions. As a result, the provisions of the City's Climate Change Action Plan are applicable to the project. The local climate action plan is an effort by the City to achieve the GHG emission reductions envisioned by the California Global Warming Solutions Act in 2006 (Senate Bill 32), affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in Executive Order B-30-15. In addition, the current regional Clean Air Plan was adopted by the Bay Area Air Quality Management District (BAAQMD) in 2017. The Plan provides a comprehensive strategy to improve air quality, protect public health, and protect the climate, utilizing all the tools and resources available to the Air District. The Clean Air Plan is designed to work in conjunction with the Plan Bay Area 2020 and the Regional Transportation Plan adopted that was also adopted in 2017.

While the adoption of a local climate action plan (CAP) is not mandatory, they are one way to satisfy the State's CEQA requirements by enabling Lead Agencies to mitigate greenhouse gas emissions. When a

project's GHG emissions are significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions.

The City of San Rafael adopted a Climate Change Action Plan, in May 2019, established goals and measures to reduce greenhouse gas emissions 19% below 1990 levels by 2020 (equivalent to 31% below 2005 levels), and 42% below 1990 levels by 2030 and meets or exceeds the State's goals for those years. The Plan includes measures to reduce greenhouse gas emissions for larger projects from transportation, energy usage, waste reduction, water conservation, and sequestration of carbon. Examples of CAP programs applicable to the project include the following: Energy Efficiency-C4: Green Building Reach Code, Waste Reduction-C2: Residential Organic Waste, and Waste Reduction-C3: Construction & Demolition Debris and Self-Haul Waste. Because the project is consistent with the Land Use and Density contained in the General Plan and does not conflict with the adopted Climate Change Action Plan, no significant impacts are anticipated, and no mitigation is required.

*(Sources: 1, 2, 3, 4, 10, 12, 13)*

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the Project:

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact:** The project is residential in nature and does not involve activities that would involve the routine transport, use or disposal of hazardous materials, beyond those that would normally occur in and around a residential structure. Therefore, any impacts would be less than significant level and no mitigation is required.

*(Sources: 1, 2, 3, 4, 12)*

- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The project is residential in nature and does not involve activities that would create a significant hazard to the public. Therefore, no impacts are anticipated.

*(Sources: 1, 2, 3, 4, 12)*

- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The project is residential in nature and does not involve activities that would involve the routine transport, use or disposal of hazardous materials, beyond those that would normally occur in and around a residential structure. The closest public schools (Sun Valley Elementary School and James B. Davidson Middle School) are over half a mile away. The closest private educational



facilities are the Marin Academy is located over one-quarter mile from the site. The Bilingual School (for ages 2 through 5) is located at the corner of Marquard Avenue and 4<sup>th</sup> Street and is approximately 450 feet from the site. Therefore, any impacts would be less than significant level and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

**No Impact:** The project is located in a hillside residential area and is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4, 12)**

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

**No impact.** The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The nearest general aviation airport is the private Marin Ranch/San Rafael Airport located approximately 3 miles northeast of the subject property. Therefore, no impact would result from implementation of the project and no mitigation is required.

**(Sources: 1, 3)**

- f. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- |                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion:

**Less Than Significant Impact with Mitigation Incorporated.** The proposed project involves the renovation of an existing residence adjacent to Fremont Road and a new single family residence adjacent to Marquard Avenue. The project would not alter the existing road network in and around the site and would not impair or physically interfere with an adopted emergency response or evacuation plan. The project will result in improved access for the proposed Marquard residence being constructed on the lower lot because the road right-of-way and road surface are wider down to 2<sup>nd</sup>/4<sup>th</sup> Street. The access limitations to Fremont Road will remain unchanged. In addition, the project has been reviewed by City Departments, including Community Development, Public Works, Fire, and Police. No unusual concerns were raised regarding the City's ability to provide public services to the project site. However, during project construction there is the possibility that because of the existing narrow roads, otherwise normal construction activities such as grading, material deliveries, and worker access could affect both emergency and daily access. To reduce the potential for conflicts between construction activities, daily

resident access, and emergency access, the requirements contained in Mitigation Measure HAZ-1 will reduce any potential impacts to a less than significant levels:

*(Sources: 1, 2, 3, 4, 7)*

**Mitigation Measure HAZ-1: Preparation of a Construction Management Plan.** Prior to issuance of a grading or demolition permit the applicant shall submit a construction management plan which includes the name and contact information of the construction site project manager, construction and concrete delivery schedule, staging plan, and emergency access plan and construction schedule. All staging shall be kept onsite. Due to site conditions and roadway width, additional coordination and notification shall be required to maintain access to adjacent properties and emergency vehicle access.

Mitigation Measure HAZ-1 applies to both properties. Implementation of **Mitigation Measure HAZ-1** will reduce potential impacts from project construction to a less than significant levels and no further mitigation measures will be required.

- g. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant.** The project is located on the east facing slope in an area identified by the City as a Wildland Urban Interface. This WUI area extends westward across the wooded ridgelines through the Towns of Ross and San Anselmo. Given the topography, vegetation, and development pattern in the surrounding area (including narrow roads), the project will be exposed to the existing risk of property loss, injury or death from a wildland fire. However, the project does not create the existing risk created by the historic development pattern. Consequently, the risk to the existing Fremont Road residence will remain the same. The proposed Marquard Avenue residence will be inserted into this existing setting. However, the lower residence is adjacent to an existing fire hydrant and will be easily reachable by Fire Department equipment. To ameliorate some of the potential hazards associated with this location the residential buildings will be sprinklered and the sites will be required to comply with the wildland-urban interface provisions in Chapter 4.12 of the San Rafael Municipal Code. These requirements are standard conditions of project approval and ordinance standards required for all projects within the WUI. For these reasons, the impacts are considered less than significant, and no mitigation is required.

*(Sources: 1, 2, 3, 4, 7)*

## X. HYDROLOGY AND WATER QUALITY

Would the Project:

- a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The proposed project would not violate water quality standards or violate discharge requirements. Site development activities would involve demolition, grading, construction, and paving. These activities have the potential to affect surface water runoff by carrying sediment and pollutants into stormwater drainage systems and waterways. Grading and the exposure of shallow soils related to grading could result in erosion and sedimentation. The accumulation of sediment could result in the blockage of flows, potentially causing increased localized ponding or flooding. Construction activities

would require the use of gasoline and diesel- powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction. An accidental release of any of these substances could degrade the quality of the surface water runoff and adversely affect receiving waters. A standard condition of approval for construction projects will require that prior to the issuance of a grading or building permit, the applicant shall prepare an Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the City of San Rafael Department of Public Works. The ESCP will identify potential pollutant sources that may affect the quality of storm water runoff discharges from the construction site, document the Best Management Practices (BMPs) to be used during all phases of construction; and document implementation of the BMPs.

Once completed, the new single-family residence would include new landscaped areas may contain residual pesticides and nutrients that could end up in the surface and ground water. However, these pollutants are expected to be minute amounts, typical of single-family residences. In addition, the design of the Marquard Avenue residence, the bioretention basins and retaining walls will also reduce runoff and help to protect the quality of receiving waters. The standard requirement identified above would ensure that impacts related to water quality would be less than significant because they would ensure that minimize the potential for discharge of pollutants that could impact water quality during construction activities. Occupation of the existing and proposed residences will also not result in a significant effect on water quality. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

- b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** The project is located within the Marin Municipal Water District (MMWD) and would utilize domestic water provided by the MMWD. The geotechnical reports prepared for the site did not encounter groundwater during any of the site survey borings or excavations. As a result, the proposed project would not substantially deplete groundwater supplies. There are also no wells on the site and the proposed project would have no impact on groundwater recharge. Surface runoff would be required to meet Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards and regulations for stormwater runoff as required by the City of San Rafael. Therefore, the proposed project would not interfere substantially with ground water recharge. For these reasons, the potential impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4, 5A, 5B)**

- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i) *Result in substantial erosion or siltation on- or off-site;*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The existing drainage pattern is downhill from the southwest to the northeast, from Fremont Road to Marquard Avenue. The existing site runoff is over the ground surface and has the potential to create erosion and siltation, especially over bare or unprotected ground. Most of

site is covered with forest liter (primarily Coast Redwood branches/needles) which helps to minimize the erosive potential of water flowing downhill. City building permit standard requirements include the submission of an erosion control plan, including measures to prevent loose dirt and soil from entering San Francisco Bay. Implementation of standard requirements from the City of San Rafael, MCSTOPPP, and RWQCB would ensure that the project does not violate any water quality standards or impair water quality. As a result, the potential impacts from erosion or siltation are considered less than significant and no additional mitigation is required.

**(Sources: 1, 2, 3, 4)**

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** Most of the existing site, approximately 78%, is undeveloped (i.e. in a natural state of preservation). Because there are no onsite drainage facilities to transport runoff to Marquard Avenue, all runoff is over the ground surface and adjacent areas. There is an existing storm drain line in the adjacent pedestrian path which carries runoff from upslope runoff to Marquard Avenue below the location of the new residence. The site has been historically affected by excessive runoff/flooding from uphill sites. The proposed project will not alter this existing drainage pattern. The proposed project would result in a natural state of preservation of approximately 64% though some areas in the right-of-way for Marquard Avenue that are currently natural will be paved to provide parking and access.

Marin County and the City of San Rafael require that proposed development not increase the discharged storm drain peak flow and volume. Bioretention basins have been incorporated into the preliminary site plan, landscape and drainage plans for the new Marquard Residence in order to eliminate impacts to water quality and quantity downstream. Construction level plans will be required to satisfy the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff will result from the proposed development project. The program requires that there be no substantial increase in the amount of runoff that could result in flooding on- or off-site. As previously discussed, the project would be required to minimize impacts from construction activities in accordance with requirements of MCSTOPP and the City of San Rafael. For these reasons, the impact would be considered less than significant, and no additional mitigation would be required.

**(Sources: 1, 2, 3, 4, 14)**

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact:** All current site run-off flows downhill to Marquard Avenue where it continues to flow down to 4th Street where it enters the City storm drain system. The proposed project is not altering this flow pattern. The project will be required to comply with the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that pollutants are adequately prevented from entering the City's stormwater system and the project is designed with no new net run-off from a 10-year recurrence interval design storm. Consequently, the proposed project would not result in increased downstream flows under the design scenario and therefore, there would not be any downstream system

deficiencies exacerbated by this project and would not exceed the capacity of the stormwater drainage systems. Any impacts are considered to be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4, 14)**

iv) *Impede or redirect flood flows?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact:** The site is not located within FEMA (Federal Emergency Management Agency) flood hazard zone and will not affect flood flows in these areas. As previously discussed, the onsite drainage pattern will not be changed by the proposed project which will continue to flow northward into Marquard Avenue. As a result, no impacts to flood flows will occur, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The project is located on the slopes of Moore Hill and is not in a flood hazard, tsunami or seiche hazard zones. As a result, no impacts will occur, and no mitigation is required.

**(Sources: 1, 3, 4, 14)**

e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As previously discussed, the proposed project would be required to comply with City development standards, including the City of San Rafael Urban Runoff Pollution Prevention Ordinance, to ensure that no new net run-off or pollutants from stormwater runoff from the site would result from the proposed project. For these reasons, the impact would be considered less than significant. No mitigation is required.

**(Sources: 1, 2, 3)**

## XI. LAND USE AND PLANNING

Would the Project:

a. *Physically divide an established community?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The project is located between Marquard Avenue and Fremont Road. There is an existing pedestrian path along the northern edge of the site that will not be affected by the project. The project involves the reorientation of two existing lots and the addition of an ADU on the upper parcel and the construction of a new single-family residence on the lower Marquard Avenue parcel. The project would not alter the existing circulation system and would not physically divide an established community. Consequently, no impacts are anticipated, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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- b. *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The City of San Rafael has adopted numerous plans and policies for the purpose of avoiding or mitigating an environmental effect, including but not limited to policies contained in the City's General Plan, the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, the City's Climate Change Action Plan, and the municipal code. The project will comply with the appropriate and applicable provisions. There any impacts will be is considered less than significant. No mitigation is required.

*(Sources: 1, 2, 3, 4)*

## XII. MINERAL RESOURCES

Would the Project:

- a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion – All Impacts:

**No Impact.** No known mineral resources have been identified on the project site. The project site is in the West End neighborhood and is not identified in the General Plan as a mineral resource recovery site. There would be no impact.

*(Sources: 1, 2, 3)*

## XIII. NOISE

Would the Project:

- a. *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project is located on a hillside residential area on the north slope of Moore Hill. The primary noise source in the vicinity is road noise originating from the intersection of 2<sup>nd</sup> and 4<sup>th</sup> Streets (approximately 500 feet to north northwest). The ambient noise environment can best be described as a quiet residential area. Community noise levels would not be noticeable change with the addition of an additional single-family residence and a new accessory dwelling unit. However, the construction of the project would temporarily alter the noise environment through the demolition/reconstruction of existing structures, the site preparation, grading and trenching, the hauling of

materials offsite, and the construction of the foundations for new structures. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. The hauling of excavated materials and construction materials would also generate truck trips on local roadways. Construction hours are specified in Chapter 8.13 of the City municipal code. The allowable construction hours are between 7:00 am to 6:00 pm on weekdays and 9:00 am to 6:00 pm on Saturdays. No construction activities are permitted on Sundays and holidays. This standard requirement will limit construction noise to least noise-sensitive times of the day and reduce impacts to a less than significant level. No additional mitigation is required.

*(Sources: 1, 2, 3, 4)*

- b. *Generation of excessive ground borne vibration or ground borne noise levels?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The construction of the project may generate perceptible vibration if heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. This could occur during the construction of the Marquard Avenue residence. Most of construction activities would not generally involve equipment capable of generating excessive ground borne vibration. As previously discussed, construction activities would occur during the least intrusive parts of the workday, between the hours of 7:00 a.m. and 6:00 p.m.), and 9:00 a.m. and 6:00 p.m. on Saturdays, consistent with the requirements of the Municipal Code. As a result, no significant impacts are anticipated, and no mitigation is required.

*(Sources: 1, 2, 3, 4)*

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?* ☐ ☐ ☐ ☒

Discussion:

**No Impact.** There are no public airports near the project site. The closest airport is the general aviation San Rafael/Marin Ranch Airport located approximately 3 miles to the north of the project site. The project site is a considerable distance from the runway and approach patterns for the airport and is well outside the identified noise contours. The airport does not have a comprehensive land use plan and does not have noise criteria or standards. The project would not expose people residing on the project site to airport-related noise, no mitigation is required.

*(Sources: 1, 2, 3, 4)*

#### XIV. POPULATION AND HOUSING

Would the Project:

- a. *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* ☐ ☐ ☒ ☐

Discussion:

**Less Than Significant Impact.** The project involves the reorientation of two existing lots to facilitate the construction of a new single-family residence and accessory dwelling unit consistent with the General Plan. As a result, the project would does not induce substantial new unplanned development and any impacts would be less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

- b. *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The project involves the substantial reconstruction of the existing residential structure (involving the addition of an accessory dwelling unit) and the construction of an additional single-family residence on the reconfigured property. As a result, the project will not displace any residents and no impacts are anticipated.

**(Sources: 1, 2, 3)**

## XV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a. *Fire protection?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project will construct on new residential unit fronting Marquard Avenue and will renovate the existing unit facing Fremont Road. The closest fire station is temporary Fire Station #51 located approximately one-half miles to the northeast of the site at 1151 C Street. The project will result in a small incremental increase in the demand for fire protection services. However, the project would not require any new or physically altered government facilities, nor would it impact the quality of service, response times or other performance objectives for any of the public services. Fire Department access to the existing renovated residence will remain problematic with a narrow one-lane roadway with steep sharp curves. Access to the proposed Marquard residence does not involve access via a one-lane road and will be accessible to emergency response equipment. The closest fire hydrant is at Marquard Avenue adjacent to the existing pedestrian path. The hydrant is approximately 100 feet horizontally and 35 feet vertically uphill from the existing residence. The next closest hydrant is located at the intersection of Fremont Road and Upper Fremont Road, approximately 300 feet from the structure. As a result, any impacts associated with the proposed project would be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**



	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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b. Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

**No Impact.** The San Rafael Police Department currently provides police protection to the project site. The project will result in a small incremental increase in the demand for police services. However, the construction of a new single-family residence would not require the construction of a new or physically altered government facilities, nor would it impact the quality of service, response times or other performance objectives for police protection. As a result, there would be no impact.

**(Sources: 1, 2, 3, 4)**

c. Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project is in the West End neighborhood and is served by the San Rafael Unified School District (SRUSD). Any school age children that may live in the proposed residences would be allowed to attend SRUSD facilities. The specific schools are Sun Valley Elementary School, James B. Davidson Middle School, and San Rafael High School. Mitigation for impacts on schools is governed by Government Code Section 65995(h), which states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities. The City requires payment of school impact fees to the school district prior to the issuance of building permits. As such, potential impacts are considered less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

d. Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Within the City of San Rafael, there are a total of 25 parks and three community centers. Existing San Rafael City parks and recreation facilities near the project site include the recreation complex at Sun Valley Elementary School and Gerstle Park. The project will result in a small incremental increase in the demand for park and recreation facilities. As part of the project approvals, the project would be required to comply with all City of San Rafael impact fees prior to building permit issuance. As a result, the impacts of the project will be less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

e. Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project will construct on new residential unit fronting Marquard Avenue and will substantially reconstruct/replace the existing unit facing Fremont Road. The project will result in a small incremental increase in the demand for other public services. However, this increase not require any new or physically altered government facilities, nor would it impact the quality of service, response times or other performance objectives for any of the public services. Therefore, no substantial

adverse physical impacts would result. For these reasons, the impact would be considered less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

## XVI. RECREATION

Would the project:

- a. *Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

### Discussion:

**Less Than Significant Impact.** As described in Response XV(d), the proposed project's impact on existing neighborhood and regional parks would be less than significant. Further, the proposed project would not result in a significant increase in the use of recreational facilities which would cause or accelerate physical deterioration of the facilities. Therefore, the impact of the proposed project upon existing parks and recreation facilities would be less than significant and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

- b. *Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less Than Significant Impact.** As described in Responses XV(d) and XVI(a), the proposed project would not require the expansion or construction of additional recreation facilities. As a result, any impacts would be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

## XVII. TRANSPORTATION

Would the Project:

- a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Discussion:

**Less Than Significant Impact.** The construction of a new single-family residence and accessory dwelling unit is consistent with the adopted City General Plan, the implementation programs, and local ordinances. The project would not create conflicts with transportation related programs. Therefore, impacts would be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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- b. *Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** CEQA Guidelines Section 15064.3 contains guidelines for evaluating transportation system impacts using Vehicle Miles Travelled (VMT) as a threshold of significance. To implement these provisions the Governor's Office of Planning and Research issued the 'Technical Advisory on Evaluating Transportation Impacts in CEQA' in 2018. The Technical Advisory provides a screening threshold for small projects. According to the Advisory, projects which generate less than 110 vehicle trips per day are assumed to have a less than significant transportation impact. Single family residences normally generate approximately 10 vehicle trips per day on average. The number of vehicle trips for two new single-family residences (treating the accessory dwelling unit as a full dwelling unit) is substantially less than the 110 trip per day threshold. Therefore, impacts would be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

- c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project is an urban infill development within the West End neighborhood. The project will not alter the existing road network or create new roadway design conflicts. The project will rely on the existing road network to access both building sites. The existing road network has design limitations that have existing access and safety hazards (e.g. a one lane roadway with sharp curves and no turnouts). Accessing one of the parcels directly from Marquard Avenue will reduce some of the existing access issues. Therefore, the project will not create new roadway design hazards and any impacts will be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4)**

- d. *Result in inadequate emergency access?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact with Mitigation Incorporated.** Access to the two building sites is not changing from the existing conditions. Existing Fire Department access to the existing/future Fremont Road residence will continue to be limited (e.g. Fire Department vehicles may not be able to provide a timely response to site given the limitations of access). The limited emergency access issues associated with Fremont Road are not being altered with the proposed project. Access to the Marquard Avenue site will be improved in contrast to access to the Fremont Avenue site. Potential impacts to emergency access are discussed under Impact IX.f. Potential impacts are reduced to a less than significant level through the implementation of Mitigation Measure HAZ-1. Once the Project is constructed any new impacts will be less than significant.

**(Sources: 1, 2, 3, 4)**

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

Is the Project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. <i>Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k).</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. <i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Discussion – All Impacts:

**No Impact.** There are no listed or eligible historic resources or cultural resources located on the project site. Pursuant to AB 52, the scope of the evaluation at the project level included consultation with Native American representatives identified by the Native American Heritage Commission (NAHC). The NAHC was contacted on August 28, 2020 to obtain a list of tribal cultural resource representatives. A project description with location map was provided to the tribal organization on September 1, 2020. No requests for a tribal consultation were received. Additional discussion of impacts to cultural resources is in Section V above. No impacts are anticipated, and no mitigation is required.  
(Sources: 1, 2, 3, 4, 8, 9)

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the Project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. <i>Require or result in the relocation or construction of new or expanded water, wastewater treatment facilities or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

### Discussion:

**Less Than Significant Impact.** The project is located in the West End neighborhood and involves the construction of a new single-family residence and accessory dwelling unit on two parcels. The project site is currently served by all applicable utilities and the project will not require the relocation or expansion of water, wastewater, drainage, electric power, natural gas, or telecommunications facilities. For these reasons, the impact is considered less than significant, and no mitigation is required.

**(Sources: 1, 2, 3, 4)**

- b. *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** Local water service is currently provided to the project site by Marin Municipal Water District (MMWD). MMWD has indicated that providing water service to the new residential building would not impair the District's ability to continue service to the property. MMWD has determined that in extreme drought conditions, their current water entitlement may not be sufficient to meet all existing and future development with stringent conservation measures or the purchase of additional water entitlements. The existing residence and new residence and ADU would be required to incorporate low water use appliances, etc. as part of the building permit process. With these standard requirements, any impacts will be less than significant, and no additional mitigation is required.

**(Sources: 1, 2, 3, 4, 15, 16)**

- c. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The San Rafael Sanitation District (SRSD) collects and transports wastewater to the Central Marin Sanitation Agency (CMSA) facility located near San Quentin for treatment. Wastewater generation and impacts to CMSA have been addressed in the San Rafael General Plan and the agency master plan. The continuation of service to the project site would not result in substantial impacts and any impacts would be less than significant. No mitigation is required.

**(Sources: 1, 2, 3, 4, 11)**

- d. *Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project involves the construction of a new single-family residence and an accessory dwelling unit. Solid waste collection and disposal services for the site are handled by Marin Sanitary Service. Solid waste collected within the City of San Rafael is disposed of at the Redwood Landfill. The Redwood Landfill is a fully permitted Class III disposal site located approximately 15 miles north of the project site and is used for more than 95 percent of Marin County's solid waste disposal. The Redwood Landfill has a permitted capacity of 19,100,000 cubic yards. Nearly one-half of the materials brought to the site are reused or recycled, contributing to one-third of the recycling that occurs in Marin County. Redwood Landfill is permitted to accept 2,310 tons of material daily. The project would not significantly change the amount of solid waste generated within the City because the development would not significantly change the number of people living in the City. Furthermore, the project would not result in the generation of additional household waste, generate solid

	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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waste in excess of State or local standards, or impair the achievement of solid waste reduction goals. Therefore, potential impacts are considered less than significant, and no mitigation is required.

*(Sources: 1, 2, 3, 4, 17)*

- e. *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

☐
☐
☒
☐

Discussion:

**Less Than Significant Impact.** The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) is to oversee household hazardous waste collection, recycling and disposal, and ensure the JPA's compliance with State recycling mandates. The JPA is comprised of the cities and towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, along with the County of Marin. The purpose of the JPA is to ensure compliance with the California Integrated Waste Management Act and its waste reduction mandates. Therefore, waste collection and recycling activities within the area of the JPA will comply with the applicable requirements and no significant impacts are anticipated. No mitigation is required.

*(Sources: 1, 2, 3, 4, 17)*

## XX. WILDFIRES

If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones.

Would the Project:

- a. *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

☐
☐
☒
☐

Discussion:

**Less Than Significant Impact.** As discussed in Section IX, Hazards and Hazardous Materials, above, the project site is located in an urbanized area and not in or near a State Responsibility Area or on or near lands classified as a Very High Fire Severity Zone. However, the project is in an area the City of San Rafael defines as a Wildland Urban Interface (WUI). WUI areas have an increased hazard from wildfires usually because of a combination of topography, vegetation, and access. The existing road network on Moore Hill south of 2<sup>nd</sup>/4<sup>th</sup> Street largely consists of mostly narrow one-lane winding roads with sharp curves. This existing condition affects the ease and effectiveness of any evacuation. The renovation of the existing residence and the additional accessory dwelling unit does not create or substantially alter the existing emergency access issues which exist along Fremont Road. In the event of an emergency, evacuating from the existing Fremont Road residence and future accessory dwelling unit will be similar to the other residences along Fremont Road. In the event of a blocked roadway, residents near the northern end of Fremont Road could use the existing pedestrian path down to Marquard Avenue to evacuate in an emergency. The new Marquard Avenue residence, that is located along a wider roadway that is closer to 2<sup>nd</sup>/4<sup>th</sup> Street, provides residents with a more accessible evacuation route. In addition, the proposed projects will be reviewed by City of San Rafael Fire Department and will comply with all Fire Code requirements related to emergency access. Therefore, the impact is less than significant, and no additional mitigation is required.

*(Sources: 3, 7)*

- |  | Significant<br>Impact    | Less-than-<br>Significant with<br>Mitigation<br>Incorporated | Less-than-<br>Significant<br>Impact | No Impact                |
|--|--------------------------|--|-------------------------------------|--------------------------|
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

**Less Than Significant Impact with Mitigation Incorporated.** As discussed in Section IX above, Hazards and Hazardous Materials, above, the project is located in an urbanized part of the City of San Rafael. The site is not located in or near a State Responsibility Area or on or near lands classified as very high fire severity zones. However, the project site is in an area the City of San Rafael defines as a Wildland Urban Interface (WUI). WUI areas have an increased hazard from wildfires usually because of a combination of topography, vegetation, and access. Issues associated with vegetation management are addressed through the implementation of the standard requirements identified in Impact Discussion IX.g. In addition, current regulations will require that both the renovated and new residences will utilize of fire-resistance materials and incorporate fire sprinkler systems. Both of these residences may be exposed to an increased risk of wildland fires. However, the impact is expected less than significant, and no additional mitigation is required.

(Sources: 1, 2, 3, 4)

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

**Less Than Significant Impact.** As discussed in Section IX above, Hazards and Hazardous Materials, above, the project site is located in an urbanized area and not in or near a State Responsibility Area or on or near lands classified as a Very High Fire Severity Zone. However, the project site is located in an area the City of San Rafael defines as a Wildland Urban Interface (WUI). WUI areas have an increased hazard from wildfires usually because of a combination of topography, vegetation, and access. There is an existing fire hydrant near the proposed Marquard Avenue residence. The construction of the new residence and ADU will not require the installation or additional maintenance of fire-protection related infrastructure. Therefore, the impact is considered less than significant. No mitigation is required.

(Sources: 1, 2, 3, 4)

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion:

**Less Than Significant Impact.** The project is located in the mid-slope areas on a moderately steep hillside. As a result, the project has the potential to either expose others to, or be exposed to, potential post-fire slope instability. The impacts to/from the existing Fremont Road residence (and new ADU which will be constructed within the existing structure) would not change. The existing structure is in a location where these impacts have occurred in the past and could happen again. The proposed Marquard Avenue residence could be exposed to post-fire soil stability issues. However, the design of the structure with a deep foundation (for the ground level garage) could reduce, though not eliminate, post-fire

impacts. However, these potential impacts are similar to other residences in the surrounding area. As a result, the impacts are expected to be less than significant. No additional mitigation is required.

**(Sources: 1, 2, 4, 5)**

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

- a. *Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project in an in-fill residential project in a hillside residential are that that has experienced consistent human impacts since the early 1900's. As discussed in this Initial Study, with implementation of the mitigation measures identified above, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. For these reasons, the impact would be considered less than significant.

**(Sources: All)**

- b. *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

**Less Than Significant Impact.** The project would have minor potential environmental impacts which can all be mitigated to a less than significant level. Potential cumulative impacts would be limited due to the small scale of the development. The proposed project is an in-fill project that would not result in any impacts that are cumulatively considerable. Furthermore, the development is consistent and anticipated by the current General Plan and Zoning ordinance in terms of intensity. For these reasons, the impact would be considered less than significant.

**(Sources: All)**



	<i>Significant Impact</i>	<i>Less-than- Significant with Mitigation Incorporated</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
c. <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

**Less Than Significant Impact.** As summarized throughout this Initial Study, the project would not result in substantial environmental effects on human beings. The proposed project is an in-fill residential project located in a similar residential area and would not have a substantial development impact either directly or indirectly on human beings. Mitigation measures are identified in this Initial Study to reduce any potentially significant impacts to human beings. For these reasons, the impact on human beings would be considered less than significant.

**(Sources: All)**

## SOURCE REFERENCES

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of San Rafael Department of Community Development. References to Publications prepared by Federal or State agencies may be found with the agency responsible for providing such information.

1. City of San Rafael General Plan 2020, <https://www.cityofsanrafael.org/generalplan-2020/>.
2. City of San Rafael Zoning Ordinance, [https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TIT14ZO](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TIT14ZO).
3. Marin County GJS; Marin Map; [www.marinmap.org](http://www.marinmap.org), accessed repeatedly throughout August and September 2020.
4. Application Packet submitted by CDK Enterprises, Inc. including site plan, architectural plans, landscape plans, civil plans, and additional materials and exhibits.
- 5.A Soil Investigation Report – Fremont Road Residence, Reese Consulting Technical Engineers, June 5, 2019.
- 5.B Geotechnical Evaluation - Two Downslope Residential Sites 54 Fremont Road San Rafael CA, Geoengineering Inc., June 26, 2007.
6. Arborist Report-52 Fremont Road, Balcerak Design, April 5, 2019, updated February 17, 2020.
7. Site Inspection, conducted August 27, 2020.
8. Record search of the Native American Heritage Commission Sacred Lands File (SLF), Native American Heritage Commission, September 1, 2020.
9. Formal Notice Inviting Tribal Consultation, City of San Rafael Planning Division, September 1, 2020.
10. City of San Rafael, Climate Change Action Plan 2030, <https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2019/06/Att-D-CCAP-2030-Final-Draft-4-23-19.pdf>
11. Central Marin Sanitation Agency, 2017 Facilities Master Plan, October 2018, <https://www.cmsa.us/documents/projects-and-programs>
12. CEQA Air Quality Guidelines, Bay Area Air Quality Management District, 2017, [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en).
13. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). Community Panel No. 06041CO456F, effective March 16, 2016.
14. Association of Bay Area Governments, Hazard Viewer, <https://mtc.maps.arcgis.com/apps/webappviewer/index.html>, accessed August 26, 2020.
15. Marin Municipal Water District, 2015 Urban Water Management Plan, <https://www.marinwater.org/DocumentCenter/View/4016/MMWD-2015-UWMP-Final-Report?bidId=>

16. BAAQMD website: <http://www.baaqmd.gov/>, assessed September 2, 2020
17. Waste Management, Redwood Landfill, <https://redwoodlandfill.wm.com/about-us/index.jsp>, accessed September 2, 2020.
18. City of San Rafael Archaeology Sensitivity Map, adopted October 2001.
19. CalFire, Fire Hazard Safety Zones in State Responsibility Areas, November 7, 2007.
20. Cal Fire, Fire Hazard Safety Zones in Local Responsibility Areas, October 16, 2008.
21. M-Group, Historic Resource Evaluation, October 26 ,2020.
22. Northern Spotted Owl Assessment – 52-54 Fremont Road, WRA Environmental Consultants, December 1, 2020.

## MITIGATION MONITORING AND REPORTING PROGRAM

### MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: Fremont/Marquard Residential

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>IV. BIOLOGIC RESOURCES</b>					
<b>Mitigation Measure BIO-1: Protection of Northern Spotted Owl and Other Avian Species Nesting.</b> To avoid impacts to nesting birds, all tree removal within the Study Area shall be conducted outside of the nesting bird season, between September 1 and January 31, to the extent feasible. If tree removal occurs within the nesting season, between February 1 and August 31, a qualified biologist will conduct a nesting bird survey no sooner than 14 days prior to the start of work; and if no active nests are found, work may begin. If active nests are found during the survey, the qualified biologist shall establish a protective buffer zone around the nest within which no work will be allowed. The buffer shall be clearly marked. The buffer shall be maintained until the young have fledged the nest or the nest becomes inactive (e.g., due to predation). If tree removal ceases for longer than 14 days, another nesting bird survey shall be conducted. If active nests are found during the survey, the qualified biologist shall establish a protective buffer zone around the nest within which no work will be allowed.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
		Planning Division	Planning Division to verify appropriate evaluate prior issuance of a grading permit	Deny issuance of building or grading permit	

Mitigation Measure				Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>V. CULTURAL RESOURCES</b>								
<b>Mitigation Measure CUL-1: Protect Archaeological Resources Identified during Construction:</b> The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).				Require as a condition of approval	Planning Division	Incorporated as condition of project approval	Deny project	
				Project sponsor to designate qualified professional (pursuant to NAHC requirements and obtains approvals from appropriate agencies) prior to issuance of building permits	Planning /Building Division	Planning / Building Divisions to verify appropriate professional prior issuance of building permit	Deny issuance of building or grading permit	
						If Cultural Resources are identified the Project sponsor halts work immediately	Stop Work Order or revocation of permit	
<b>Mitigation Measure CUL-2: Protect Human Remains Identified During Construction:</b> The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist. If the Coroner's determination that the human remains are probably Native American, the Native American Heritage Commission (NAHC) shall be notified in accordance with the requirements in PRC Section 5097.98. A qualified archaeologist, the Project proponent, a representative from the City of San Rafael, and the NAHC-designated Most Likely Descendent shall make all reasonable efforts to develop an agreement for the treatment, with				Require as a condition of approval	Planning Division	Incorporated as condition of project approval	Deny project	
				Include this requirement in building and grading plan sets as a requirement for permit issuance	Planning Division	Planning Division to verify that the requirement in included on plan set(s)	Deny issuance of building or grading permit	
						Project sponsor to halt work immediately upon discovery of human remains	Stop Work Order or revocation of permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.					
<b>VII. GEOLOGY AND SOILS</b>					
<b>Mitigation Measure GE0-1: Design Level Geotechnical Investigation.</b> Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer based upon the approved project. The geotechnical investigation shall incorporate the recommendations and requirements identified in the Peer Review conducted by Miller Pacific Engineering Group dated January 21, 2021. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs.	Require as a condition of approval	Planning Division	Incorporated as condition of project approval	Deny project	
	Project sponsor shall submit a design-level geotechnical investigation based upon the approved project that is prepared by a qualified and licensed geotechnical engineer to the City Engineer and Building Divisions	Public Works / Building Divisions	Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building or grading permit	
<b>IX. HAZARDS</b>					
<b>Mitigation Measure HAZ-1: Preparation of a Construction Management Plan.</b> Prior to issuance of a grading or demolition permit the applicant shall submit a construction management plan which includes the name and contact information of the construction site project manager, construction and concrete delivery schedule, staging plan, and emergency access plan and construction schedule. All staging shall be kept onsite. Due to site conditions and roadway width, additional coordination and notification shall be required to maintain access to adjacent properties and emergency vehicle access.	Require as a condition of approval	Planning Division	Incorporated as condition of project approval	Deny project	
	Project sponsor prepares a construction management plan and submit the report to the City Engineers	Public Works / Building Divisions	Public Works verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building or grading permit	

## PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES

As the project sponsor or the authorized agent of the project sponsor, I, Mark Hanf, the undersigned, have reviewed the Initial Study for the **Fremont/Marquard Residential Project** for the property located at 54 Fremont Road and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

\_\_\_\_\_  
Property Owner (authorized agent)

\_\_\_\_\_  
Date

7/21/21

## PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES

As the project sponsor or the authorized agent of the project sponsor, I, Alex Wang, the undersigned, have reviewed the Initial Study for the **Fremont/Marquard Residential Project** for the property located at 52 Fremont and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

\_\_\_\_\_  
Property Owner (authorized agent)

\_\_\_\_\_  
Date

## DETERMINATION FOR PROJECT

On the basis of this Initial Study and Environmental Checklist I find that the proposed project could have a Potentially Significant Effect on the environment; however, the aforementioned mitigation measures to be performed by the property owner (authorized agent) will reduce the potential environmental impacts to a point where no significant effects on the environment will occur. A Mitigated Negative Declaration will be prepared.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## REPORT AUTHORS AND CONSULTANTS

\_\_\_\_\_  
David Hogan, M-Group, Contract Planner  
City of San Rafael, Community Development Department

## PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES


As the project sponsor or the authorized agent of the project sponsor, I, Mark Hanf, the undersigned, have reviewed the Initial Study for the **Fremont/Marquard Residential Project** for the property located at 54 Fremont Road and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

\_\_\_\_\_  
Property Owner (authorized agent)

\_\_\_\_\_  
Date

## PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES

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DocuSigned by:  
  
\_\_\_\_\_  
Property Owner (authorized agent)

7/23/2021  
\_\_\_\_\_  
Date

## DETERMINATION FOR PROJECT

On the basis of this Initial Study and Environmental Checklist I find that the proposed project could have a Potentially Significant Effect on the environment; however, the aforementioned mitigation measures to be performed by the property owner (authorized agent) will reduce the potential environmental impacts to a point where no significant effects on the environment will occur. A Mitigated Negative Declaration will be prepared.

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Printed Name

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Title

## REPORT AUTHORS AND CONSULTANTS

\_\_\_\_\_  
David Hogan, M-Group, Contract Planner  
City of San Rafael, Community Development Department



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Property Owner (authorized agent)

\_\_\_\_\_  
Date

## PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES

As the project sponsor or the authorized agent of the project sponsor, I, Alex Wang, the undersigned, have reviewed the Initial Study for the **Fremont/Marquard Residential Project** for the property located at 52 Fremont and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

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Property Owner (authorized agent)

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Date

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Signature

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Date

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Printed Name

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Title

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David Hogan, M-Group, Contract Planner  
City of San Rafael, Community Development Department