



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works
Community Development

Prepared by: Alicia Giudice, CDD Director
Bill Guerin, DPW Director

City Manager Approval: _____

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

TOPIC: TRANSIT CENTER RELOCATION DRAFT ENVIRONMENTAL IMPACT REPORT

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A LETTER TO THE GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT SUMMARIZING CITY COMMENTS ON THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT (SRTC) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR); FILE P21-012

RECOMMENDATION: Adopt a Resolution Approving and Authorizing the Mayor to Sign a Letter to the Golden Gate Bridge, Highway & Transportation District Summarizing City Comments On the San Rafael Transit Center Relocation Project (SRTC) Draft Environmental Impact Report (DEIR); File P21-012

EXECUTIVE SUMMARY

On August 11, 2021, pursuant to the California Environmental Quality Act (CEQA), the Golden Gate Bridge, Highway & Transportation District (District) released a [Notice of Availability](#) (NOA) of the Draft Environmental Impact Report (DEIR) for the C. Paul Bettini San Rafael Transit Center (SRTC) relocation project. The NOA announces the publication of the DEIR and provides a 60-day public review and comment period on the adequacy of the DEIR. Under CEQA, the District is the Lead Agency on this project and San Rafael is a Responsible Agency. As a Responsible Agency the City of San Rafael must independently review and comment on the CEQA document (State CEQA Guidelines Section 15096(a)) and will need to adopt the final CEQA document prior to taking action on the project itself.

Staff have reviewed the SRTC DEIR and provided a list of comments (see Attachment B). Staff recommends the City Council: a) review and confirm the comments and recommendations; and b) adopt the attached resolution authorizing staff to proceed with preparing a written response to the District for the Mayor's signature.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

BACKGROUND

History

The [Golden Gate Bridge, Highway and Transportation District](#) (District) owns, operates and maintains Golden Gate Transit service. The District's major transportation hub in Marin County is the C. Paul Bettini San Rafael Transit Center (SRTC) located at 850 Tamalpais Avenue in Downtown San Rafael. The SRTC opened in 1992 and currently serves local and regional transit buses including Golden Gate Transit, Marin Transit, Sonoma County Transit, Marin Airporter, Sonoma County Airport Express, Greyhound, and local taxis. The SRTC provides essential transit services and facilitates travel and transfers throughout Marin County to San Francisco, Sonoma, and Contra Costa Counties.

The 1.5-acre SRTC site contains bus parking bay and transit platforms (Platforms A-D), as well as other service and commercial structures. The former Northwestern Pacific railroad right-of-way (now owned by the [Sonoma-Marín Area Rail Transit](#), or SMART) bisects the SRTC site through transit Platform C. The SMART station is in the street block immediately north of the SRTC. A new SRTC is intended to preserve and enhance the functionality and effectiveness of the center following the implementation of the SMART Phase 2 line to Larkspur which has resulted in the loss of some of the transit center facilities.

The City of San Rafael is a major stakeholder in the SRTC project. Therefore, the City's role in the relocation process is critical. California Streets and Highways Code section 30914.7 (a)(24) states in part: "The selected alternative shall be approved by the City of San Rafael, the Golden Gate Bridge Highway and Transportation District, the Transportation Authority of Marin, and Marin Transit".

In 2014, in anticipation of the second phase of SMART, the City of San Rafael collaborated with the District, SMART, [Transportation Authority of Marin](#) (TAM) and the [Metropolitan Transportation Commission](#) (MTC) to prepare a relocation study. The study identified nine (9) possible relocation solutions. This study was updated in 2017 by Kimley-Horn and Associates ([San Rafael SRTC Relocation Study, 2017](#)) to further develop five (5) new site options.

On October 27, 2017, the City and the District signed an MOU (Attachment D) that states, "The parties agree that the selected alternative must be approved by the City Council". The MOU acknowledges that: a) the District will serve as the Lead Agency for permitting, financing and environmental clearance; and b) the City will serve as a Responsible Agency for purposes of environmental review of the project under CEQA.

On October 16, 2018, the District published a Notice of Preparation (NOP) to start the environmental review process and to solicit comments from responsible agencies and the public on the topic areas to be studied in an Environmental Impact Report (EIR). The NOP identified nine possible relocation options to study. On November 5, 2018, the City of San Rafael City Council received a [report and adopted a resolution](#) authorizing the Mayor to sign a letter summarizing the City comments on the NOP. The City of San Rafael provided comments on the NOP as a "Responsible Agency" on this project, as set forth in CEQA Guidelines Section 15096.

On April 19, 2021, the City Council received an [informational report](#) and an update from the District regarding the SRTC relocation project. In that update, the District announced four (4) study options that the EIR focuses on and which are described in this report.

San Rafael SRTC Relocation Project Description

The District, in coordination with the City of San Rafael, Marin Transit, TAM, and SMART, plans to replace the SRTC. The District has prepared the following "Project Objectives," summarizing the purpose of the project:

- Provide improved transit connectivity and ease of use in and around Downtown San Rafael.
- Enhance local and regional transit use by bringing together multiple modes of the transportation network—including the SMART-bus connection—into a hub that affords transit users the safest, most efficient means of using bus and rail services.
- Efficiently accommodate transit users and services, optimize operating costs, and improve transit desirability.
- Design a functional, attractive, and cost-effective facility that can meet long-term projected service levels and be implemented in an expeditious manner, so as to minimize the period of use of the interim facility.
- Provide a transit facility that is readily accessible to individuals with disabilities, transit users, and transit-dependent populations, including those with low incomes.
- Provide a secure, safe, and inviting space for transit patrons.
- Create a more accessible transit facility for all users by reducing vehicular, rail, bicycle, and pedestrian conflicts and improving safety.
- Provide convenient, pedestrian connections to surrounding land uses.

Description of Alternatives

The general boundaries of the study area are Tamalpais Avenue/Lincoln Avenue to the west, 2nd Street to the south, 5th Avenue to the north and Irwin Street to the east. At this time, the District has not identified or defined a “project” that is specific to one site for relocation. Rather, the District has identified four (4) project alternatives (site options), which are contained within a defined geographic area known as the “study area.” The four (4) site options are graphically presented in Figures ES-1 through ES-4 of the SRTC Draft EIR [Executive Summary](#) and include the following:

1. Move Whistlestop Alternative (Figure ES-1)
This option would generally be between West Tamalpais Avenue to the west and Hetherton Street to the east, 4th Street to the north, and 3rd Street to the south. This option would require shifting West Tamalpais Avenue to align with the block to the north. The Whistlestop building would be relocated to the west of the new West Tamalpais Avenue in whole or in part. The transit center would include five (5) platforms with new bays located on W. Tamalpais Avenue between 3rd and 4th Streets. A new bicycle path would be installed on Tamalpais Avenue from 2nd Street to 4th Street. This bike path would connect to the Mahon Creek Path.
2. Adapt Whistlestop Alternative (Figure ES-2)
This option would be located between West Tamalpais Avenue to the west, Hetherton Street to the east, 4th Street to the north, and 3rd Street to the south. The Adapt Whistlestop Alternative would be similar to the Move Whistlestop Alternative, however it would improve and use the existing Whistlestop building and does not propose a street realignment. This alternative would feature five (5) platforms, one District building, and would include a bike path and pedestrian improvements on the west side of West Tamalpais Avenue from 2nd Street to 4th Street.
3. 4th Street Gateway Alternative (Figure ES-3)
This option would be located between 5th Avenue, 3rd Street, Hetherton Street and the SMART tracks. This option would include six (6) platforms and one District building. This option would require installation of three on-street bays to be located on the west side of Hetherton Street between 4th Street and 5th Avenue, which would require elimination of the southbound right turns from Hetherton Street to 4th Street.
4. Under the Freeway Alternative (Figure ES-4)

This option would be located beneath US-101 and would be bound by 5th Avenue, Irwin Street, Hetherton Street. the area just south of 4th Street. This option would include six (6) platforms and one District building to be located adjacent to, and beneath US-101.

All site options include the following components:

- Installation of 17 straight-curb bus bays to accommodate transit, airport coach service, and Greyhound services at the transit center
- Provision of paratransit, pick-up/drop-off, maintenance vehicle, and shuttle service curb space
- Provision of bicycle parking, including racks and lockers
- Installation of minimum 9-foot-wide platforms adjacent to bus bays
- Public plaza including installation of passenger amenities including weather protection (such as shelters or canopies) and seating
- Installation of other features including public art, security, and wayfinding signage
- Provision of a roughly 3,000-square-foot District building including customer service, public restrooms, driver relief facilities, small retail, maintenance, and security

DISCUSSION:

Per the provisions of the CEQA Guidelines, the development of a new SRTC is subject to environmental review. The District, serving as Lead Agency on this project, published a Notice of Preparation (NOP) on October 16, 2018 and the City of San Rafael acting as “Responsible Agency” on this project, provided comments on the NOP as set forth in CEQA Guidelines Section 15096.

On August 11, 2021, the District released a [Notice of Availability](#) on the DRAFT EIR providing a 60-day public review and comment period. As a Responsible Agency, the City of San Rafael must independently review and comment on the CEQA document (State CEQA Guidelines Section 15096(a)). As a Responsible Agency, the City of San Rafael will need to adopt the final CEQA document prior to taking action on the project itself. As such, a list of comments on the SRTC Replacement Project Draft EIR have been prepared for City Council consideration.

Staff has reviewed the DEIR and has provided proposed comments as Attachment B. The DEIR analyzes all four site options (Build Alternatives) at an equivalent analysis level, which provides for clear CEQA clearance on all site options.

COMMUNITY OUTREACH: The District has created a project webpage (<http://goldengate.org/SRTC/>) to share information about the project, including the public meetings and open houses, surveys, videos of presentations, and ways to get involved in the planning process. The City of San Rafael helps to promote these opportunities to the community through the City’s website, social media, and the City Manager’s newsletter.

FISCAL IMPACT: There is no direct fiscal impact to the action requested in this report.

RECOMMENDATION: Adopt a Resolution Approving and Authorizing the Mayor to Sign a Letter to the Golden Gate Bridge, Highway & Transportation District Summarizing City Comments on the San Rafael Transit Center Relocation Project (SRTC) Draft Environmental Impact Report (DEIR); File P21-012.

ATTACHMENTS:

- A. Resolution
- B. Draft Comments on the SRTC DEIR
- C. San Rafael Transit Center Relocation Guidance Report, February 2018

- D. MOU Between GGBHTD and City of San Rafael
- E. Correspondence

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO SIGN A LETTER TO THE GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT SUMMARIZING CITY COMMENTS ON THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT (SRTC) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR); FILE P21-012

WHEREAS, the Golden Gate Bridge, Highway & Transportation District (District) owns, operates and maintains the San Rafael Transit Center (SRTC), which is located at 850 Tamalpais Avenue in the City of San Rafael; and

WHEREAS, Sonoma Marin Area Rail Transit (SMART) has received funding and has completed the second phase of commuter rail service to Larkspur. This second phase extension actively uses the rail line and right-of-way which bisects the SRTC site, which significantly impacts the SRTC use; and

WHEREAS, commencing in 2014, the District, in collaboration with the City, began studying interim and permanent solutions for the SRTC. In 2017, the District hired a transportation engineering consultant to develop preliminary designs and supportive studies for relocation of the SRTC; and

WHEREAS, as the ultimate relocation of the SRTC is critical to the planning for Downtown San Rafael, in 2017 the District and City entered into a Memorandum of Understanding (MOU), to establish the respective roles of the two agencies and the process for the relocation project. The MOU confirms that the City will serve as a "Responsible Agency" for the purposes of environmental review of the relocation project under the California Environmental Quality Act (CEQA); and

WHEREAS, consistent with the CEQA Guidelines, the District published a Notice of Preparation (NOP) to solicit comments on the scope of topic areas to be studied in the Environmental Impact Report (EIR) prepared for this project. As a Responsible Agency, the City commented on the NOP as summarized in a report to the City Council dated November 5, 2018; and

WHEREAS, consistent with the CEQA Guidelines, the District published a Notice of Availability on August 11, 2021, provided notification of publication of a Draft EIR on the SRTC replacement project and providing a 60-day public review and comment period; and

WHEREAS, as a Responsible Agency, the City must independently review and comment on the Draft EIR. City staff has reviewed the Draft EIR and prepared a list of comments with recommended clarifications, modifications and additional analysis to be included in the EIR. These comments have been included in the report to the City Council as Attachment B; and

WHEREAS, at a regular City Council meeting held on October 4, 2021, the report to the City Council, inclusive of attached Draft Comments on the SRTC Draft EIR, was presented. At this meeting, public comment was accepted, and the City Council discussed the report findings and recommendations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Mayor to sign, on behalf of the City Council, a letter to the District summarizing City comments on the SRTC project Draft EIR as set forth in Attachment B to the staff report for this resolution.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 4th day of October 2021 by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

General Comments

1. Overall, the DEIR is generally well written and thorough. The analysis is supported in most topics by solid supportive studies and credible substantial evidence. The DEIR analyzes all four site options (Build Alternatives) at an equivalent analysis level, which provides for clear CEQA clearance on all site options. However, the DEIR relies on certain incorrect assumptions and omits analysis and disclosure of certain traffic related impacts. These impacts need to be evaluated and appropriate mitigation measures incorporated into the Draft EIR. In addition, the DEIR needs to discuss whether the project will require the use of piles. If so, this may result in vibration related impacts. Finally, demolition of 927 Tamalpais Avenue under the Move Whistlestop alternative and Adapt Whistlestop alternative would result in significant impact on historic resources. Because these will be new impacts not previously identified in the DEIR, the DEIR will need to be revised and recirculated.
2. The DEIR should include a narrative about the current SRTC site. As the existing SRTC site would be sold as surplus with the development of any of the relocation Build Alternatives, it needs to be clear that the DEIR has not analyzed this site for redevelopment. Future redevelopment of the existing site would require its own review and CEQA clearance by the City of San Rafael.
3. The scope of topic areas studied in the DEIR were initially presented in the Notice of Preparation (NOP), which was published in late 2018. Following the NOP public review and comment period, GGBHTD consultants prepared the Environmental Scoping Report – San Rafael Transit Center Replacement Project (February 2019). This Scoping Report, which is provided as Appendix A of the DEIR, memorialized the topic areas for study in the DEIR. Essentially, the Scoping Report contains: the NOP; the list of agencies, organizations and individuals that provided comments on the NOP; and the site options/alternatives that were available at the time the NOP was published. While it includes a summary of NOP comments by topic area, the Scoping Report does not provide an explanation on how or if the NOP comments were used in finalizing the scope of study topics for the DEIR. Consequently, a number of the City's recommendations for study outlined in its comments on the NOP (letter from City to GGBHTD dated November 8, 2018) were not included in the DEIR document. Not studied or addressed in the DEIR are the following:
 - a. Sea level rise.
 - b. Preparation and inclusion of computer-generated visual simulations
 - c. Non-CEQA topic areas recommended for study (Fiscal Impacts of the Preferred Project and Alternatives).

Lastly, there is no explanation in the DEIR or the Scoping Report as to why information and studies requested as part of the NOP process were dismissed from further consideration in the final scoping and preparation of the DEIR.

4. Throughout the DEIR, the San Rafael General Plan 2020 (2007) and the Downtown San Rafael Station Area Plan (2012) are cited and used as the base for the document analysis. On August 2, 2021, before the DEIR was released for publication, the City

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan (DTPP). Yet, throughout the DEIR, it is stated that these Plans are in draft form and unadopted. Essentially, these recently adopted documents succeed and replace the previous General Plan 2020 and the City Zoning Ordinance (DTPP includes site zoning and regulations exclusively for Downtown including the project study area). These plans and land use designations were in effect at the time of DEIR publication. CEQA Guidelines section 15125 provides that the “setting” or baseline for the DEIR is normally established at the time the Notice of Preparation (NOP) is published (October 2018). Therefore, per the CEQA Guidelines, it may be appropriate for the DEIR to cite and utilize documents that were in effect at that time. But Section 15125 and case law interpreting it allows that a lead agency should adjust those baseline assumptions where strict adherence to the NOP timing would not give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts. The use of a General Plan that is no longer in effect as the base throughout a DEIR that was published after that General Plan was updated is confusing and fails to inform the public and decision makers of the true land use framework and regulation under which the project would be constructed and operating. At a minimum, the EIR must be revised with references to the current, adopted General Plan and zoning ordinance and analysis of the preferred project and alternatives’ consistency with the current plan and regulations.

The DEIR needs to do a better job in explaining: a) the CEQA Guidelines section that establishes the setting at the time the NOP is published; and b) what has transpired since the NOP was published, particularly since the DTPP tracked and documented the progress of the SRTC project. For this reason, it is recommended that the Introduction Section (Chapter 1) include a narrative on the transition to the General Plan 2040 and DTPP, acknowledgement that these Plans were adopted in August 2021, and a summary on what is different from the previous General Plan 2020/Downtown Station Area Plan. At minimum, links to the recently adopted plans should be included so the DEIR reader can easily go to those documents to review.

Some sections/chapters of the DEIR list pertinent/relevant policies and programs from both previous General Plan 2020/Downtown Station Area Plan and the recently adopted General Plan 2040/DTPP (e.g., Biological Resources). However, some sections/chapters cite only the former General Plan 2020/Downtown Station Area Plan (e.g., Air Quality). For consistency throughout the DEIR document, either both the former and recently adopted Plan policies and programs should be cited throughout the EIR sections or the text should be revised for the Final EIR to only reference the General Plan 2040/DTPP.

5. There is no mention in the DEIR about the Memorandum of Understanding (MOU) between the GGBHTD and the City of San Rafael (October 2017). The terms of the MOU require, among others, that GGBHTD meet and confer with the City Community Development Department concerning the consistency between the project and the former General Plan 2020, Downtown Station Area Plan and Zoning Ordinance. While the DEIR does an admirable job at citing and summarizing these documents in the analysis, this work was siloed and did not involve direct communication with the Community Development Department. The Community Development Department

**SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version**

reached out to GGBHTD staff in April 2020 to initiate this meet and confer process. However, GGBHTD staff rejected this request responding that it was too premature.

A. Executive Summary

1. See comment D.1 below regarding the Project Objectives Section 1.3).
2. For comments on individual impacts, findings and mitigation measures presented in the summary table, please defer to the comments below under the discussion of each topic section/chapter.
3. The impact summary table lists and presents the findings for all impacts identified in the DEIR. While recommended mitigation measures are clearly numbered, the impacts are not numbered. Please number all impacts under each topic area, which will provide easier and better referencing.

B. Chapter 1 – Introduction

1. See comments A.2 and A.3 above regarding the General Plan 2040, DTPP and the MOU. The Introduction section should incorporate narratives on these topics.

C. Chapter 2 – Project Description

1. The Project Objectives (Section 2.3) do not incorporate, reference, or consider the City's key design goals outlined in the San Rafael Transit Center Guidance Report (City of San Rafael, February 2018). This request was made to GGBHTD through comments on the NOP. The Project Objectives are very straightforward and clearly define the goals of GGBHTD but there is no mention of the City's goals for this important project. The City's five key design goals for this project are:
 - a. Maximize 4th Street vitality;
 - b. Clearly define the SRTC access routes;
 - c. Improve utilization of the Caltrans right-of-way (under the US 101 overpass);
 - d. Demonstrate sustainable design; and
 - e. Preserve the Whistlestop building.

The General Plan 2040 and DTPP recognize the SRTC project as a “catalyst” site for the Downtown area, which is anchored by the public transit hub. As the City is one of several “partners” on the SRTC project, it is critical that the City's objectives for the project are cited. Please revise the EIR accordingly.

2. Table 2-1 (page 2-6 and 2-7) provides a good summary of the individual, assemblage of properties that cover each of the four Build Alternatives. However, the table needs to be revised to address the following:
 - a. The land use for each parcel needs to be clearly stated. The current description of “mixed-use” is too generic. The reader will have a better understanding as to the site and surroundings by referencing the specific, developed use (e.g., retail, office, parking lot).

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

- b. The table references the former property zoning, which was in effect at the time the NOP was published. As noted above, the recent adoption of the General Plan 2040 and DTPP included a rezoning of Downtown properties to the new “Downtown Mixed-Use” (DMU) District. Please add a footnote explaining this recent change in zoning to minimize confusion.
 - c. For the “Under the Freeway Alternative,” there is no reference to the two Caltrans properties. These properties need to be added to Table 2-1. Please add a note that the Caltrans properties are not assigned Assessor’s Parcel Numbers by the County Assessor’s Office and the City does not “zone” State property.
3. The description of the “Move Whistlestop Alternative” (Section 2.5, Preferred Alternative) is incomplete. First, it is unclear if the Whistlestop building will be downsized and restored (based on the building footprint shown on the site plan). The current building footprint is not original and there have been discussions and suggestions about downsizing the structure to its original footprint and design. Second, there is no discussion about the demolition of existing buildings (as there is in the description of the 4th Street Gateway). In addition to the Citibank building, two existing buildings on the West side of West Tamalpais Avenue (Trevor’s and Extreme Pizza) would be demolished. Building demolition/relocation and effected business also needs to be discussed in the description of the “Under the Freeway Alternative” (Section 2.6.4).
 4. The description and layout of the “Under the Freeway Alternative” is not consistent with the preferred layout prepared by the City, which was provided to the GGBHTD in 2020. The City’s preferred layout included two, carefully designed “bridge’ spans over Irwin Creek to avoid any structural elements of the crossing to be placed/constructed within the creek channel. The description of this alternative states that three “bridges/viaducts” would be installed over Irwin Creek for vehicle access to this site from Hetherton Street. The details of this improvement are not explained, but in the Biological Resources section of the DEIR, it is noted that the crossings would be designed as “box culverts.”

It is understandable that GGBHTD had to modify the City’s preferred layout to address the project’s design criteria and operational needs of the SRTC, but the bridge span structures could have been part of this modified design. When this alternative was presented at a County of Marin hosted Multi-Agency meeting (meeting of the regulatory agencies) in 2020, it was indicated that a bridge span would be proposed in-lieu of box culverts. Rather, GGBHTD chose to go to a box-culvert crossing, which have far more environmental impacts.

5. Section 2.5.4 provides a good description of the “Disposition of the Existing Transit Center.” Please note that this element of the project applies to all four Build Alternatives.
6. Section 2.8 and Table 2-2 provides a summary and list of permit approvals/clearances required by other agencies. There is no mention of the executed MOU between the GGBHTD and City and the clear term of the MOU which affords the City the ultimately authority to decide on the preferred site alternative. Further, the project will require consideration by the “Planning Commission” and the “Design Review Board.” The DEIR needs to be revised to incorporate reference to these required reviews.

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

D. Aesthetics

1. The DEIR section includes a comprehensive list of pertinent policies from the San Rafael General Plan 2020 and the Downtown San Rafael Station Area Plan. Further, the analysis references the Good Design Guidelines for Downtown. However, there is no mention of the San Rafael Transit Center Guidance Report (February 2018), which includes several design recommendations related to aesthetics and the importance of facilitating an entry to Downtown San Rafael. Also, unlike other sections of the DEIR, this section does not include a list of General Plan 2040 and DTPP policies and programs that are pertinent to this topic area. Please add.
2. This chapter provides a detail description of the visual changes that would result from the project. However, in its comments on the NOP, the City requested that computer-generated visual simulations be prepared depicting existing and proposed conditions. In-lieu of the requested simulations, architectural renderings have been prepared, which are illustrative only and do not accurately depict pre- and post-development conditions. Please revise these renderings to more accurately reflect pre and post development conditions. Other comments regarding these renderings:
 - a. Figure 3.1-2 presents the existing and proposed view of the “Move Whistlestop Alternative.” The photo of the existing conditions does not align or correspond with the location of the proposed view rendering. The existing view shows the SMART tracks and existing Whistlestop building in the foreground, while the proposed rendering is a location that is further west along West Tamalpais Avenue). Please address.
 - b. Figure 3.1-3 presents a rendering of the “Adapt Whistlestop Alternative” as viewed from 4th Street and West Tamalpais Avenue. Along West Tamalpais Avenue, there appears to be a block-like building mass, which is not explained or described. Is this an error or does this building mass represent the housing project approved for the 703 3rd Street site. Please revise.
 - c. Figure 3.1-6 presents the existing and proposed view of the “4th Street Gateway Alternative” from the 4th and Hetherton Street intersection. As is the case with Figure 3.1-2, the view of the existing condition photo does not appear to correspond with the location in the proposed view rendering. Please revise.
 - d. Figure 3.1-6 presents the existing and proposed view of the “Under the Freeway Alternative” from the Hetherton Street. As is the case with Figure 3.1-2, the view of the existing condition photo does not appear to correspond with the location in the proposed view rendering. The rendering appears to represent another location, perhaps near Irwin Street. Please revise.
3. To address the significant impact associated with the Under the Freeway Alternative resulting from the relocation of the historic structure at 1011 Irwin Street, the aesthetics discussion proposes Mitigation Measure MM-CULT-CNST-1, which is characterized as requiring the relocation and preservation of the structure. (Page 3.1-27.) The reader is referred to Section 3.4 for the discussion of cultural resource impacts and mitigation for the full text of the measure. There is no explanation provided in the aesthetics discussion for how this measure would reduce the significant impact, however. Furthermore, MM-CULT-CNST-1 does not guarantee the relocation and preservation of historic structures. Rather, it acknowledges that relocation and preservation may not be feasible and the structures may be demolished instead. (Page 3.4-33.) Between the two

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

discussions in aesthetics and cultural resources, there is no substantial evidence provided that demonstrates the implementation of MM-CULT-CNST-1 will, in fact, reduce the significant aesthetic impact associated with the removal of 1011 Irwin Street to a less-than-significant level for the Under the Freeway Alternative. The DEIR needs to be revised to include such evidence.

4. Mitigation Measure AES O-3 recommends application of minimum lighting standards. This measure should be expanded to require a) the installation of baffles or shields on lighting fixtures to minimize the exposure and the light source and glare; b) preparation of a pre-construction photometric analysis to demonstrate foot candle readings to eliminate "hot spots;" and c) completion of a post-installation lighting inspection (30-days following installation) to allow for adjustments in the intensity of and glare from lighting. The DEIR needs to be revised to include this information.

E. Biological Resources

1. The biological resources policies from the Marin Countywide Plan are listed in this section (pages 3.3-5 through 3.3-7). These policies should be deleted. The Marin Countywide Plan is applicable to properties within the unincorporated areas of Marin County and is not applicable to the SRTC study area.
2. The "Detailed table" on special-status animal species which is reference on Page 3.3-9 on special-status animal species is missing from Appendix D.
3. Pages 3.3-9 – cites that project area has the potential for the occurrence of 38 special-status plant species and 35 special status animal species. However, no special-status species surveys were conducted to confirm or dismiss this finding. The table missing from Appendix D will hopefully have additional information clarifying these conclusions. But the DEIR should be revised to include appropriate measures to ensure no inadvertent take as was recommended for roosting bats. Including for any aquatic species such as steelhead that could be of concern to regulatory agencies.
4. The EIR should provide a more thorough review of existing habitat in Irwin Creek, limitations on possible occupation and dispersal for aquatic species such as steelhead, and conclusion that it is not suitable for permanent occupation and necessary controls to avoid inadvertent take for any in-channel construction.
5. Page 3.3-11 lists the methodologies that would be implemented or employed during construction and as part of project operation. One of the listed methodologies states that Irwin Creek would be "de-watered" to construct three double box culverts for the "Under the Freeway Alternative." See comment D.4 above under the Project Description regarding the expectation that the crossings over Irwin Creek were to be designed as a bridge span rather than intrusive box culvert structures. That reach of the creek would have to be temporarily dewatered during construction, whether a culvert or bridge was installed. Both treatments would require disturbance to the creek banks and could result in materials spilling down into the water, which is why a construction zone like this has to be dewatered. However, the bridge treatment for these crossings would limit direct impacts and fills, which would be preferable to the regulatory agencies, even in this low

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

quality location. Use of a bridge should be explored as an option and weighed against cost and benefit.

6. In the City's comments on the NOP, it was requested that GGBHTD initiate early consultation with the regulatory agencies to discuss the "Under the Freeway Alternative" and potential impacts to tidal wetlands. The EIR should specify whether consultation was initiated.
7. Mitigation Measure BIO CNST-5 (page 3.3-18) recommends compensation for temporary and permanent loss of perennial stream (Irwin Creek fill). The measure merely recommends mitigation amounts (e.g., 2:1 ratio of mitigation to impact area). This mitigation measure is not adequate in addressing the viability of achieving mitigation to a less-than-significant level. To test viability with the bridge span concept (which is far less impacting) off-site mitigation locations were identified by Jim Martin, the City's consulting biologist, based on input from the RWQCB representatives. This information was presented to the regulatory agencies in the County of Marin hosted Multi-agency Meeting (see attached memo). The purpose of this effort was to demonstrate minimal impacts using a bridge span and that mitigation could be achieved within proximity to this site. None of this information is attached or even referenced in the DEIR.
8. In the City's comments on the NOP, it was noted that several of the site options (alternatives) had the potential to damage or destroy mature trees (street trees referenced). The City requested that all significant trees within the project study area be identified to determine if they would be impacted or subject to removal. This section of the DEIR does not mention the tree resources within the study area. That information should be provided in the EIR and used to inform decision makers of the range of impacts.

F. Cultural Resources

1. The DEIR reports that per AB52, an offer of tribal consultation was initiated with the Federated Indians of Graton Rancheria (FIGR), but the DEIR author received no response. It is expected that the GGBHTD noticed the Federation on the publication of the DEIR. The Federation is typically very responsive to commenting on environmental documents and a 'no response' conclusion is not sufficient. The GGBHTD should reach out to FIGR to get a response and include that response in the EIR.
2. Marin County Ordinance 1589 is a County-adopted ordinance that is not applicable to the City of San Rafael. Please delete.
3. Pages 3.4-6 and 3.4-7 appropriately cite the City's Archaeological Resource Protection Ordinance. However, not referenced or discussed is the implementing resolution, which outlines the protocols and procedures for addressing individual site review and assessment based on mapped archaeological sensitivity. As noted in the City's NOP comments, protection procedures outlined in City Council Resolution 10980 (2000) should be added to this DEIR narrative. Mitigation Measures CULT-CNST 4, 5, 6, and 7

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

should be revised to incorporate the City-adopted procedures and protocols outline in Resolution 10980.

4. This section of the DEIR includes an excellent narrative on the history and evolution of Downtown San Rafael, including the eras covering the start of the NWPRR service and the development of the US101 as a grade-separated highway. This narrative addresses the request made by the City as part of the NOP comment process.

The DEIR includes a list of buildings within the project study area that were recently assessed for historic resource significance. The correct source for this information is the Downtown San Rafael Precise Plan (DTPP) Historic Resources Inventory Summary Report (December 2020). This summary report was prepared by the City and utilized to assess and provide cultural resource review in the San Rafael General Plan 2040 Final EIR (2021). The DEIR author went one step further in this analysis by preparing new or updated "DPR" (State of CA Department of Park and Recreation) historic assessment forms for all buildings within the study area (DEIR Appendix F). This is helpful in that the DTPP Historic Resources Inventory Summary Report does not include DPR forms for all the inventoried buildings over 50 years in age within the project study area. These forms will supplement the City's DRR form inventory.

The DEIR concludes that the "4th Street Gateway Alternative" and the "Under the Freeway Alternative" would result in significant, unavoidable impacts to historic resources. The Build Alternatives would result in the demolition of 633 5th Avenue, 637 5th Avenue and 1011 Irwin Street, which have been determined to be historic resources.

The DEIR correctly states the status of the building at 927 Tamalpais Avenue (Trevor's, formerly the Barrel House). This building is identified under Category B in the summary report, which determined that it is eligible as a "contributing resource to a potential historic district." However, as a contributing resource to a potential historic district, demolition could compromise the formation of a district, which would result in a significant, unavoidable impact to historic resources. This building would be demolished under the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative." The DEIR finds that demolishing this structure would result in a less-than-significant impact, which conflicts with the City-assumed conclusion. Therefore, the historic resource impact finding for these two alternatives needs to be changed. As this is a new, significant impact, the DEIR requires a revision and recirculation per CEQA Guidelines Section 15088.5. If this assumption is incorrect, it needs to be explained by the EIR consultant why there is a difference in conclusions reached between the demolition of the 927 Tamalpais Avenue and the buildings that would be demolished under the "4th Street Gateway Alternative" and "under the Freeway Alternative" (933/937 5th Avenue and 1011 Irwin Street).

G. Geology and Soils

1. For the most part, this DEIR section is well written and comprehensive. However, under all the potential impact statements that have been prepared, the findings are less-than-significant, and no mitigation is recommended. This topic area relies on the findings presented in the Preliminary Geotechnical Design Recommendations, Parikh (May

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

2020). This memorandum document is referred to throughout this section as “Geotechnical Recommendations,” which is included as DEIR Appendix H. This memorandum document provides a qualitative review of geotechnical conditions for all four Build Alternatives but relies solely on published documents for detailed information such as groundwater depths, and subsurface soil and geologic conditions. The memorandum document states that a detailed geotechnical investigation with subsurface borings will be conducted after the project site has been selected.

As part of comments on the NOP, the City requested that a comprehensive Geotechnical Investigation be completed for the DEIR to include subsurface borings and soil testing. This request was intentional given that portions of the study area are on landfill over bay mud and within the FEMA 100-year flood zone. Further, most of the study area is within an area of high seismic risk. Per the San Rafael General Plan 2020 geotechnical policies and procedures (General Plan 2020 Appendix F, Geotechnical Review), a comprehensive Geotechnical Investigation Report (including subsurface borings and soil testing) is required to be prepared at the time of development and environmental review. A deferral of preparation this investigation report to a future phase of the project, after it has been approved through the development and environmental review process, is not consistent with the General Plan 2020 and the CEQA Guidelines. A detailed Geotechnical Investigation Report is important at this stage as it would present site specific conditions and design recommendations based on these conditions. If design recommendations such as pile-driven pier construction is required for this project, it presents other direct or indirect impacts that require analysis in the DEIR.

At minimum, the DEIR impact findings in this section should have concluded, based on the information that was available through the Geotechnical Recommendations memorandum document that: a) the impacts are potentially significant until further study is completed; and b) mitigation must be included requiring a more detailed Geotechnical Investigation Report. Nonetheless, it is recommended that a Geotechnical Investigation Report be prepared and included in the DEIR. At minimum, mitigation measures should be added to the DEIR to require the preparation of this report when a specific site has been selected. New impacts and the introduction of new mitigation measures requires an updated DEIR with a recirculated public review period.

H. Greenhouse Gas Emissions

1. This DEIR section is well written and comprehensive; it relies on and incorporates the City’s Climate Action Plan (2030) and the City’s Qualified GHG Emissions Reduction Strategy.

I. Hydrology and Water Quality

1. On page 3.9-6, the DEIR provides a narrative on the role and purpose of the Bay Conservation and Development Commission (BCDC). While the BCDC information in the narrative is complete, it should be eliminated as it is not relevant to the study area.

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

The BCDC jurisdiction terminates at the mouth of San Rafael Creek, which is about two miles downstream from the project study area. Please revise the DEIR.

2. The list of General Plan 2040 policies and programs on pages 3.9-7 and 3.9-8 is incomplete. The list includes policies that are more pertinent to conservation rather than hydrology and water quality (creek and wetland protection). Further, not included are pertinent policies and programs from the Safety and Resilience Element, which address increased flooding and sea level rise. Please add data and analysis on inundation levels and incorporate appropriate mitigation measures into the EIR.
3. Mitigation Measure BIO CNST-5 requires the development of a Stormwater Pollution Prevention Plan (SWPPP) to address temporary construction and permanent operations water quality impacts. The Downtown San Rafael Precise Plan (DTPP) includes several suggested water quality measures to be incorporated into new development. Further, the DTPP recommends the implementation of “green infrastructure” along 3rd and 4th Streets within the study area, which would include measures such as permeable pavement. These measures need to be added to this DEIR mitigation measure.
4. This section provided limited to no discussion about sea level rise. Although not a topic area that is currently mandated for analysis by the CEQA Guidelines, there is a lot of information available about projected sea level rise in San Rafael’s central basin. Sources include the San Rafael General Plan 2040, Downtown San Rafael Precise Plan, and the certified FEIR that has been prepared for these plans. As part of the NOP process, the City requested that the DEIR assess the potential risk of projected sea level rise. Please add a discussion of sea level rise to this DEIR section.

J. Land Use and Planning

1. On page 3.10-7 and 3.10-8 is a discussion of the City Zoning Ordinance. Referenced are four City zoning districts that cover the project study area. It should be noted that while these zoning districts existed and governed the study area at the time the NOP was published, the City has since rezoned Downtown properties to the Downtown Mixed-Use (DMU) District as part of the adoption of the Downtown San Rafael Precise Plan. A discussion of the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan is provided further along in this DEIR section. The latter section needs to be revised to state that the DTPP includes a regulatory element, which is essentially a zoning ordinance for Downtown that replaced the previous zoning and much of the SRMC Title 14 (Zoning) regulations.
2. A discussion of the “Under the Freeway Alternative” is provided on page 3.10-11. This discussion notes that the dominant zoning classifications for this site option are the R/O and C/O Districts. This is not correct. Most of the property that encompasses this site option is owned by Caltrans, which has no zoning classification. As noted above under comment C.2.c, the Caltrans property is part of the public road right-of-way which the City does not zone. Please correct this discussion.

K. Noise

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

1. Page 3.11-20 includes a discussion of vibration-sensitive historic buildings within and adjacent to the study area. The 927 Tamalpais Avenue building (Trevor's, formerly the Barrel House) is noted as not being a historic resource. However, as discussed in comment G.4 above, this building is a contributor to a potential historic district, so it is considered a potential historic resource. Please revise accordingly.
2. Pages 3.11-22 and 3.11-23 includes a discussion of sources of construction noise and vibration. The impact assessment is provided on pages 3.11-26 through 3.11-27. There is no mention in this discussion about the need for pile driving. Listed among the construction noise sources in Table 3.11-12 is a "drill rig," which is common equipment associated with pile driving. Please clarify if pile driven piers will be used for construction and if so, the DEIR needs to assess the noise and vibration impacts associated with this activity and identify appropriate mitigation measures.

L. Population and Housing

1. On page 3.12-2, it is stated that the City is in the process of updating the Downtown San Rafael Precise Plan (DTPP), which is not correct. The DTPP is a new Plan under the umbrella of the updated San Rafael General Plan 2040. Please revise the DEIR accordingly.
2. Projected population, housing and employment projections for San Rafael are presented on page 3.12-3 through 3.1-5. As the DEIR relies on use of the San Rafael General Plan 2020, the projection information is correct. However, the recently adopted San Rafael General Plan 2040 and DTPP project slightly higher growth by 2040. The text in this section needs to acknowledge these more current Plan documents and that projected growth for City and the Downtown area is higher than previously planned. Please revise accordingly.
3. Regarding resident displacement, the discussion of the "Under the Freeway Alternative" is incorrect. This site option would result in the demolition of 1011 Irwin Street. This property is developed with a single-family residential structure, which is occupied/utilized as a residence. Therefore, the DEIR finding regarding the displacement of residents needs to be changed to be potentially significant impact and appropriate mitigation measure is required to off-set this impact.

M. Public Services and Recreation

1. Under the Local Regulatory Setting and Methodology sub-sections, the Downtown San Rafael Precise Plan (DTPP) is listed with the San Rafael General Plan 2040 resources. As the DTPP includes several recommendations related to public services and recreation within the public realm, it is critical that those recommendations be included to accompany the discussion of San Rafael General Plan 2040. Please see DTPP Figure 4.10 which presents the recommended framework of Downtown's public realm design. Among the public realm design recommendations within the study area include the following, which are not addressed in the DEIR:

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

- a. A SMART Transit Plaza along 4th Street between Tamalpais Avenue and Hetheron Street
 - b. Green civic space (lineal park) along Tamalpais Avenue between 5th Avenue and 2nd Street.
2. Page 3.13-3 needs to be revised to accurately reflect current police data: This paragraph should be changed as follows:

The San Rafael Police Department, headquartered at San Rafael City Hall, provides police services to the City. A new 44,000-square-foot Public Safety Center opened in August 2020 across the street from the existing facility. As of September 1st, 2021, the San Rafael Police Department had a total of 67 full-time sworn personnel and 29 full-time non-sworn personnel, for a total staff of 96. This equates to 11.2 sworn personnel per 10,000 residents and 16 total personnel per 10,000 residents (City of San Rafael 2020c). The closest police facility to the project area is the Public Safety Center, approximately 2,500 feet northwest of the project area. The San Rafael Police Department is organized into two divisions: the Operations Division, which includes patrol, park rangers, Downtown foot beat, and traffic enforcement; and the Administrative Services Department, which includes records, dispatch personnel, training, crime prevention, community engagement, and detective units (City of San Rafael 2020c). In 2020, the San Rafael Police Department received 23,532 emergency calls and 21,079 lower priority calls. This equates to an average of 3,717 emergency calls a month or about 124 per day

N. Transportation

1. In general, the transit circulation time and the vehicular delays seem to improve with the Under the Freeway alternative simply because it is further away from the existing congestion along Hetheron Street, Second Street and Third Street. Staff concurs with the results shown in the report.
2. This section of the DEIR provides a detailed list of pertinent policies and programs from the recently adopted San Rafael General Plan 2040 Mobility Element. However, not included is a discussion of the Downtown San Rafael Precise Plan (DTPP), which was recently adopted in tandem with the adoption of the General Plan 2040. The DTPP includes many policies, goals and implementing measures related to mobility and the Downtown transportation network. A discussion of this Precise Plan needs to be included in this section.
3. The Draft EIR states that there are two justifications for replacing the existing transit center and states that:
 - a) following the impact on some of the transit center facilities that resulted from the implementation of the SMART Phase 2 line to Larkspur.

And

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

- b) A new transit center solution in Downtown San Rafael would address near-term and long-term transit needs while improving the desirability and usability of transit for the local community and region.

However, the DEIR relies on outdated transportation data from 2015 and 2017. For example, the DEIR cites the following data:

- Golden Gate Transit Ridership from 2017 and Marin Transit Ridership from 2017
- Mode splits based on on-board surveys provided by Marin Transit (2017) and Golden Gate Transit (2015)
- Golden Gate Transit GFI, Marin Transit GFI, and MTC Clipper Data (each data source from October/November 2017)

According to Golden Gate's own [analysis](#) published July 21, 2021 and presented to the Board on July 22, 2021 concludes the following:

- Bus ridership is down 74% compared to pre pandemic levels.
- We reduced pre-COVID bus service by about 50%.
- Ferry ridership is down 93% compared to pre pandemic levels.
- Pre-pandemic, fares provided over 50% of ferry operating revenue.
- Bridge traffic is down 17.6%

Therefore, the Draft EIR needs to be revised to:

- reflect actual Existing Conditions at the Transit Center, not historic conditions.
 - justify replacing the Transit Center based on actual Existing Conditions
 - reflect the uncertainty of continued SMART train operations after 2029
 - incorporate District's recommendations to its own Board
4. The District should study demand changes over time and provide a better understanding of what future ridership might look like. This could impact overall bus routes/schedules, may change the space needed to accommodate bays and would provide more clarity on overall traffic impacts to nearby streets. The City Council previously provided comments on the ridership assumptions and asked for more information that demonstrates that the new transit center is actually needed. The EIR needs to include results of the demand changes over time.
5. Regarding the LOS and VMT analyses (presented in DEIR Appendix C), the LOS impact findings for the Build Alternatives are arguable. The document concludes that the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative" will result in a reduction in intersection delay. From a non-technical, common-sense standpoint, this finding does not seem supportable. Unlike the current transit center access points along 3rd and 2nd Streets (both arterials), transit center access under this alternative is being introduced along 4th Street. Introducing primary access along 4th Street may also create conflicts

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

with both pedestrian and bicycle traffic, as well as local vehicle traffic. This would result in an impact that needs to be evaluated in the EIR. Please revise accordingly.

6. The DEIR concludes that the elimination/displacement of public parking to develop the “Under the Freeway Alternative” would result in a significant, unavoidable environmental impact (page 3-14.28). This finding is not substantiated and is no longer a stand alone CEQA-related impact. This conclusion is concerning for the following reasons:
 - a. This DEIR finding relies on this parking displacement being inconsistent with *draft* General Plan 2040 Policy M-7.9 (Parking for Transit Users) and Program M-7.9a (Commuter Parking). Per the CEQA Guidelines, the DEIR is to rely on the plan documents that were adopted and in effect at the time the NOP was published/released (NOP memorializes the “setting” for analysis, which is discussed above under General Comments). Throughout the DEIR, it is clear and apparent that the document findings are based on consistency with the former General Plan 2020 policies and programs; use of the General Plan 2040 is exclusively referenced only here (and under no other DEIR impact statement) to reach an environmental finding. This approach is arbitrary and as a result may present the Under the Freeway Alternative in a more negative light than may be properly warranted.
 - b. The CEQA Guidelines no longer consider the “displacement of parking” or “impacts to parking” to be an impact on the physical environmental. Parking as a topic area of impact was removed from the CEQA Initial Study Checklist approximately 15 years ago. This discussion and the link to environmental review needs to be revised to include context on why it is no longer a stand-alone CEQA impact.
7. The DEIR based the conclusion of significant impacts on the Transportation Summary Report (TSR). City staff made specific comments about the TSR and submitted them to Golden Gate Transit in writing. The comments included several significant gaps in the analysis. None of the comments were addressed in the DEIR. There were comments about the shortfalls of pedestrian trips assumptions, underplaying the impacts of bringing the pedestrian and bicycle activities towards Fourth Street, and the lack of recognition of vehicle storage and queuing in the heart of the pedestrian area of downtown. These concerns have not been addressed; indeed the City’s comments have never been responded to. In summary the EIR needs to be revised to address the following:
 - a. *The pedestrian analysis assumes a destination in the downtown to compare the alternatives. The report did not analyze destinations to the High School and to the Canal. The City has invested transportation dollars (Grand Avenue Bridge and E Francisco Boulevard Sidewalk) to encourage the arrivals of multimodal trips from the Canal. While it is difficult to capture and compare the overall pedestrian experience between the alternatives, the report fell short of describing the existing pedestrian safety issues that could be attributed to the legal and illegal crossings. The Gateway alternative suggests several driveways ensuring proper circulation for the busses without recognizing the detriment of the pedestrian experience. The Draft EIR needs to be revised to address existing pedestrian safety records and the association of it with numerous and large driveways.*
 - b. *The report Non-Motorized Transportation Section 5.0 was built on incomplete assumptions of pedestrian circulation in general, and on similar inaccurate assumptions specific to the transit center. None of the assumptions made were*

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

- introduced nor discussed with City staff prior to the preparation of these analysis. Staff mentioned this previously and indicated that major overhaul of the assumptions and the presentation of pedestrian comparisons of the pedestrian travel will be required. Staff was never contacted subsequent to providing these comments. The EIR will need to be revised to accurately reflect pedestrian circulation patterns.*
- c. *All alternatives result in circulation challenges caused by the short sizes of the blocks west of Heatherton Avenue. The block sizes were bisected by the SMART tracks leaving the City with short blocks affecting the ability to store vehicles leaves us with the challenge of clearing the tracks during excessive queuing times. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be in the center of the considerations. The EIR needs to be revised to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains.*
- d. *The No-Build Alternative is presented as an alternative because CEQA mandates it to be part of the analysis. The report falls short of describing the existing conditions from a multimodal and functional point of view. Please revise the EIR to provide an accurate description as noted.*
8. The LOS data is presented using VISSIM numbers which are not consistent with the method used to calculate the LOS by the City. Please revise EIR to reflect methodology that is consistent with what the City uses.
9. Although the LOS is calculated through the model and is not the real LOS, the report offered no comparative summaries of the LOS impacts to allow decision makers to make informed decisions. Please revise the EIR to include comparative summaries.
10. Queueing is not typically an environmental issue. However, given the environment and the safety implication of queueing it needs to be included in the environmental assessment.
11. The DEIR failed to recognize the inadequacy of the design at Third and Hetherton intersection with both Whistlestop alternatives. The introduction of a second southbound right turn from Hetherton onto Third Street could be detrimental to vehicle and pedestrian safety and traffic flow. There are two major and fundamental issues with the second southbound right turn. The first is the addition of a significant exposure of pedestrians in the crosswalk. While there are no rules against the practice in general, local experience shows documented issues with it. The City eliminated a crosswalk on the south side of the same intersection to eliminate the vehicle pedestrian conflict after a series of accidents occurred there. The suggestion of adding the additional turn lane will likely be rejected by the City for many reasons. The second issue is the receiving block capacity in the westbound direction on Third Street is very limited. It is further constrained during the SMART train preemption. The impact of not having the block storage capacity is deflected onto the north/south crosswalk and the number three southbound lane on Hetherton. These are serious impacts under the threshold question of whether the project would "Substantially increase hazards due to a geometric design

SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version

feature”. The City considers the option of creating congestion due to vehicles waiting to turn onto Third Street, effectively eliminating a southbound travel lane on Hetherton, to be an unsafe solution that will create significant traffic issues in this heavily travelled area of San Rafael. It is an inadequate and unsafe design that could potentially jeopardize pedestrian and vehicular safety. These impacts were not recognized by the TSR nor by the DEIR and the DEIR needs to be revised to adequately analyze these impacts.

12. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be evaluated. The DEIR needs to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains. Please revise accordingly.

O. Wildfires

1. The City of San Rafael adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan in November of 2018. Page 3.17-4 needs to be revised to accurately reflect this change.
2. Fire Ordinance, Chapter 4.12 applies to the Wildland UI- however it also applies vegetation standards Citywide. Please revise page 3.17-4 accordingly.

P. Alternatives to the Project

1. Essentially, this DEIR section summarizes the document findings for the four Build Alternatives plus a “No Project Alternative.” As discussed above under comment C.1 (Project Description), the “Project Objectives” which are used to define the Project Alternatives need to include the City’s objectives and design goals for this project. The impact findings for each of the Build Alternatives (as well as Table 5-1) need to be updated based on the comments presented herein. For example, 927 Tamalpais Avenue (Barrel House) is a contributor to a potential historic district, so it is a potential historic resource. Demolition of this building under the “Move Whistlestop Alternative” and “Adapt Whistlestop Alternative” would result in the demolition of this building, which is a significant impact. The EIR needs to be revised as noted above. Each of the alternatives need to be reevaluated against the City’s objectives as well, to disclose the extent to which the alternatives do or do not meet those objectives in addition to the GGBHTD’s objectives.
2. As mentioned above, the analysis of the No-Build Alternative is inadequate. The report falls short of describing the existing conditions from a multimodal and functional point of view and overall does not evaluate the project with the same level of specificity as the other alternatives. Pursuant to CEQA section 15125.6(d) The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Instead, the DEIR provides a meaningful analysis for each of the proposed alternatives within the document but provides only a summary for the ‘No build’ alternative. The DEIR needs to be revised to provide an

**SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT
STAFF WORKING DRAFT COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
September 29, 2021 Version**

accurate description of existing conditions as mentioned above and needs to provide the same level of comparison provided for the other alternatives

3. The DEIR concludes that the “Environmentally Superior Alternative” is the “Adapt Whistlestop Alternative.” This finding is credible given that this Build Alternative would result in the least number of environmental impacts analyzed in the DEIR. However, like the “Move Whistlestop Alternative,” it would result in the demolition of a potential historic resource.
4. Additionally, as Table 5-1 illustrates, none of the alternatives would reduce environmental impacts as compared to the preferred project; at best they are the same as the preferred project and even worse for some categories of impacts. This conclusion suggests that the District did not adequately fulfill its obligation under CEQA to consider a range of reasonable alternatives, as the Guidelines require consideration of alternatives that would feasibly attain most of the project objectives *and would avoid or substantially lessen* any of the significant effects of the project. (Guidelines, § 15126.6, subd. (a).)
5. This section provides a very good and detailed summary of other alternatives that were considered and rejected.

Q. Other Non-CEQA Topics for Study Recommended as Part of the NOP Process

1. As part of the NOP process, the City requested that the fiscal Impacts of “the Project and Alternatives” be prepared concurrent and made available with the DEIR. A fiscal impacts assessment of the Build Alternatives has not been prepared.
2. Short-term and Long-term Parking Assessment. A very high-level assessment of parking is presented in DEIR Appendix C, the Transportation Summary Report. The parking assessment in this report merely identifies the number of parking spaces that would be eliminated under the Built Alternatives but does not include any measures to accommodate or retain parking.

Attachments

1. Memo prepared by Jim Martin 2019

MEMORANDUM

TO: Mr. Paul Jensen
City of San Rafael
1400 Fifth Street
San Rafael, California 94901

FROM: Jim Martin
ENVIRONMENTAL COLLABORATIVE

DATE: 29 May 2019

SUBJECT: Summary of Regulatory Issues
Proposed San Rafael Transit Center Replacement Project
Interstate 101 Undercrossing Site along Irwin Creek

As you requested, I have prepared this memo to summarize the regulatory issues related to the possible relocation of the San Rafael Transit Center to an area beneath Interstate 101 (I-101) between Hetherton Street to the west, Irwin Street to the east, 4th Avenue to the south and 5th Avenue to the north. Most of site is developed or paved, with the freeway overpass structures occupying the western portion and paved parking under the northbound freeway lanes and buildings fronting on Irwin Street. However, a channelized reach of what is known as Irwin Creek flows in a southerly direction beneath the southbound. This drainage is a regulated waters¹ under the jurisdiction of the U. S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

Between 4th and 5th Avenues, the active channel of Irwin Creek is from 30 to 40 feet in width, and is under tidal influence. It flows south, paralleling the east side of Hetherton Street to the confluence with San Rafael Creek, which is also partially under the I-101 overpass. Concrete wing walls extend approximately 15 feet upstream of the 4th Avenue overcrossing, which consists of two concrete box culverts. Shading from the freeway overpass and extensive asphalt paving that extends almost to the eastern top-of-bank to the drainage limits the growth of riparian trees and shrubs. Vegetation is limited to largely non-native ground covers, invasive sweet fennel and Bermuda buttercup, and a few shrubs along the east bank. **Figures 1 and 2**

¹ The Corps, RWQCB and CDFW have jurisdiction over regulated waters. Jurisdiction of the Corps is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters of the U.S." without a permit. The RWQCB jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality whenever a Corps permit is required under Section 404 of the Clean Water Act, and State waters as regulated under the Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Wildlife Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream.

show the existing conditions of the drainage at the 4th and 5th Avenue overcrossings.

A visit to the site on April 8, 2019 was attended by Nicole Fairley of the RWQCB, yourself, Bill Guerin the Director of the City's Public Works Department, Steve Kinsey, and myself. The purpose of the site visit was to briefly inspect existing conditions, review the regulatory authority of the RWQCB, and obtain input from the RWQCB on the feasibility of preliminary plans for the transit center use of the site.

During our site visit, Nicole confirmed that the drainage was a jurisdictional waters regulated by the RWQCB and that any fills or modifications to this reach of the creek would be subject to their review and authorization. She explained that the preferred policy of the RWQCB is to avoid modifications to jurisdictional waters. Where avoidance is not feasible, that they then prefer that direct and indirect impacts be minimized, and that compensatory mitigation be provided where impacts are unavoidable. That as part of the review process performed by the Corps and RWQCB, a finding must be made that the proposed modifications to jurisdictional waters are the Least Environmentally Damaging Practicable Alternative (LEDPA).

We reviewed the preliminary schematics for the Transit Center Relocation prepared by the Golden Gate Transportation District (see attached plans), which show the entire reach of Irwin Creek across the site to be culverted. Nicole indicated in reviewing the plans that a proposal to culvert the entire reach of Irwin Creek across the site would be unacceptable by the RWQCB. This is because the RWQCB could not make necessary findings that culverting the entire reach was the LEDPA available, and that there was no alternative for the Transit Center Project that didn't either completely avoid the creek or at most had a much more limited impact by culverting just a portion of this reach to provide access over it, such as a bridge structure. We discussed possible options for limiting potential impacts and providing compensatory mitigation for any unavoidable impacts. However, this would depend on final design, the extent of any fills or other modifications to regulated waters, and other factors that can't be fully understood or addressed at this time given the preliminary nature of the proposed project. We indicated to Nicole that at some point the City intends to present more refined plans at a Marin Project Coordination Meeting in the near future.

With appropriate refinement to the proposed Transit Center site under the I-101 overpass, use of this location does look possible from a regulatory agency permitting standpoint based on the preliminary information we received from RWQCB. Following refinement of project plans to minimize fills to the Irwin Creek channel and adhering to standard Best Management Practices would greatly reduce and control potential impacts to regulated habitat. Where permanent impacts could not be avoided due to fills and shading associated with a new bridge structure, compensatory mitigation could then be achieved by creating replacement habitat or other approaches acceptable to the regulatory agencies. Opportunities for achieving compensatory mitigation for any fills to the Irwin Creek channel may be available downstream, elsewhere in the watershed, and at other locations in East Marin County.

Similar projects involving bridge structures affecting jurisdictional waters that required regulatory agency review and approval, as well as compensatory mitigation, include the nearby San Rafael Creek Bridge Project that was part of the Second Street off-ramp for northbound I-101 and the new Bon Air Bridge over Corte Madera Creek in Larkspur. Information on each of these projects, their impacts on jurisdictional waters, and the mitigation required as part of the regulatory agency authorizations is summarized below. But both projects provide an indication that similar projects impacting jurisdictional waters can be mitigated through a careful process of design refinements to minimize potential impacts and by providing adequate compensatory mitigation that addresses concerns of the both the local community and regulatory agencies.

San Rafael Creek Bridge at I-101 Second Street Off-Ramp. This project will replace the San Rafael Creek bridge on the I-101 off-ramp to Second Street, located just downstream of the proposed Transit Center site. The existing reinforced concrete slab bridge will be removed and replaced by a two-span precast voided slab bridge supported by precast abutments and 24-inch cast-in-steel-shell (CISS) piles. The new bridge and ramp will be slightly realigned and widened to meet Caltrans standards. Project implementation will permanently impact approximately 24 linear feet (0.001 acre) of San Rafael Creek due to installation of twelve 24-inch CISS piles in the creek to support the bridge. It will also temporarily impact approximately 225 linear feet (0.38 acre) of the creek due to removal of the existing bridge piers and deck, installation and removal of the temporary bridge, installation of piers for the new bridge, and implementation of sediment and debris containment and control measures during construction. To mitigate for temporary impacts to the channel, Caltrans will restore temporarily disturbed areas to their previous or to an enhanced condition. For permanent impacts to San Rafael Creek, Caltrans is required to 1) remove all of the existing bridge piers to an elevation at least three feet below the existing channel bottom elevation and 2) excavate approximately 0.03 acres of upland area adjacent to the southwestern corner of the existing bridge that will then become new channel area spanned by the new bridge. Removal of the existing piers in the channel and excavation of approximately 0.03 acres of upland area adjacent to the southwestern corner of the bridge will result in an increase of approximately 0.03 acres of open channel habitat, which was considered sufficient compensatory mitigation by the regulatory agencies.

Bon Air Bridge Replacement. This project involves the replacement of the Bon Air Bridge over Corte Madera Creek in Larkspur. The City of Larkspur completed the environmental review for the project in 2012, which involved permits and authorizations from the Corps, U.S. Fish and Wildlife, CDFW, Bay Conservation and Development Commission, and the RWQCB. To address the temporary and permanent impacts of the project, five mitigation projects are to be completed before the end of bridge construction. Several components of the mitigation are intended to improve habitat for special-status species affected by the project. Mitigation includes: 1) installing low impact development/stormwater enhancements on Magnolia Lane by widening the planting area along the adjacent roadside ditch, providing curb cuts to allow street runoff to pass into bioswales for pretreatment before entering storm drains, and installing an underground infiltration system; 2) relocating the dog park in Piper Park to a new area east of the Central Marin Police Station and restoring the original dog park area as tidal marsh habitat with an educational overlook; and 3) improving public access to Corte Madera Creek by rehabilitating walkways and docks at Bon Air Landing Park and the public dock at the Marin Rowing Club.

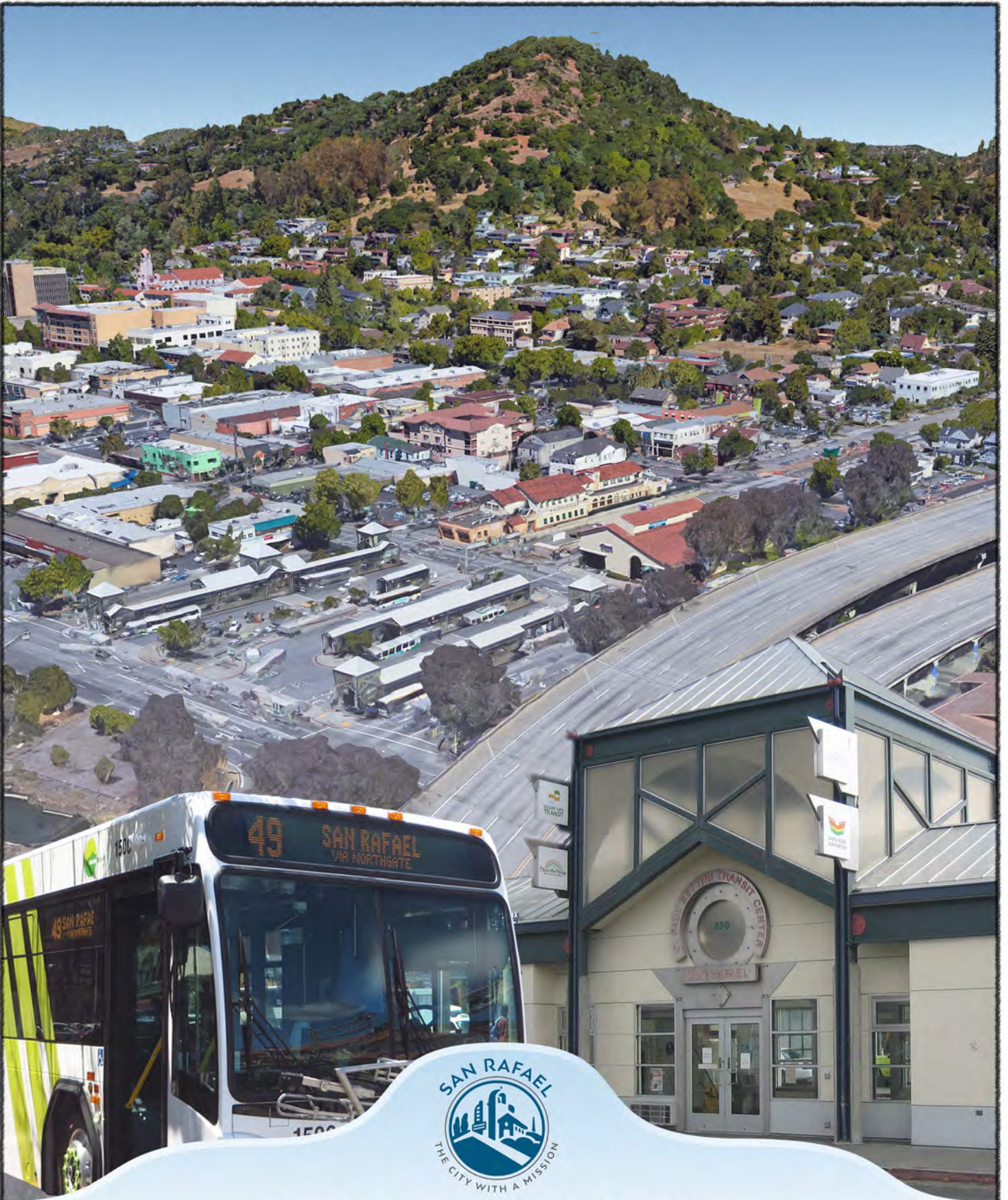
I trust this provides you with the summary of the preliminary regulatory issues related to use of the I-101 undercrossing site along Irwin Creek. Please let me know if you have any questions regarding the above summary. I can be reached by phone at 510-393-0770 or email at beach127@aol.com.



Figure 1. View upstream of Irwin Creek from 4th Avenue at proposed site.



Figure 2. View downstream of Irwin Creek from 5th Avenue at proposed site.



San Rafael Transit Center Relocation Guidance Report

SAN RAFAEL TRANSIT CENTER RELOCATION GUIDANCE REPORT

INTRODUCTION

San Rafael looks forward to a successful collaboration with the Golden Gate Bridge District, its transit partners, transit users, and our community to plan and build an outstanding new transit center that improves regional transit mobility while also contributing to Downtown San Rafael's prosperity, vitality, and civic pride.

For a quarter century, the City has steadfastly embraced the focus of our Downtown Vision, and that remains so. The City values our Downtown being connected regionally with quality transit options.

At the same time, we recognize that the relocated transit center's impacts and influence will extend far beyond its specific site, warranting a clear demonstration of how the solution furthers our Vision, respecting existing neighborhood context while also contributing to the emergence of a more inviting gateway into Downtown.



In fulfillment of the Downtown Vision, numerous City-adopted plans and studies provide substantial direction and detailed guidance. They will form the City's basis of review as the process of identifying a preferred option moves forward.



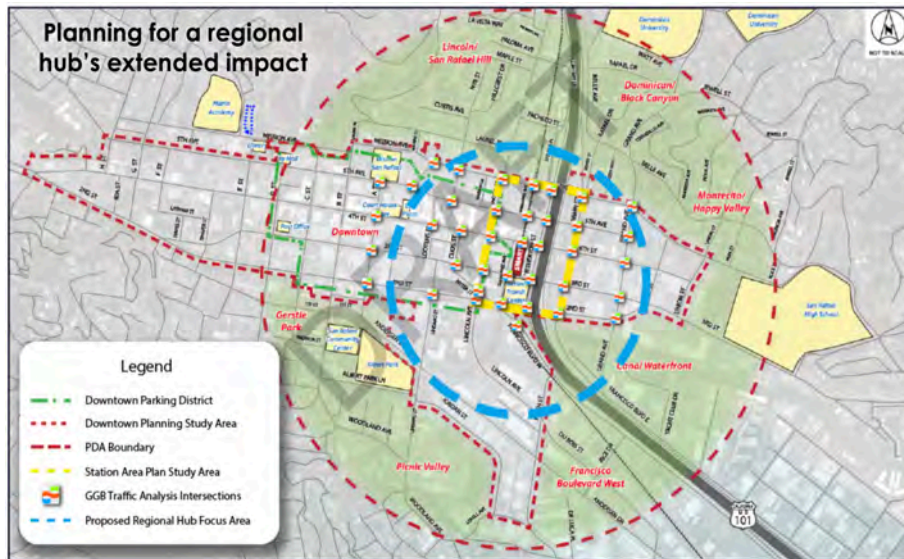
THE IMPORTANCE OF THE 4TH OPTION

The 2016 Kimley-Horn Transit Center Relocation Study identified three alternatives to be further evaluated and refined for additional consideration as part of the Bridge District's study. The City is concerned that none of these alternatives will adequately achieve the City's goals for this neighborhood.

To address this, the City asked the Bridge District to identify a 4th Option before initiating Environmental Review, and to actively engage our community in its development. We appreciate their willingness to do so. This Guidance Report identifies the City's primary area of concern associated with relocation of the transit center. It also highlights key improvements the City is seeking in the 4th Option.

DEFINING A TRANSIT HUB FOCUS AREA

To successfully integrate with the existing Downtown and contribute to a neighborhood renaissance, transit center relocation planning and design must extend beyond its specific site.



The City has identified a Transit Hub Focus Area extending ¼ mile circle around the existing SMART station. This area is within easy walking distance for most transit users, and includes the retail core, the area under 101, and private property zoned for mix use development.

All forms of mobility within the Hub Focus Area require careful attention, and intersection analyses will need to extend beyond the boundary.

For the transit center to successfully integrate with the Downtown, public gathering spaces within and adjacent to it, lighting, landscaping, wayfinding, and other distinguishing features will be included in District plans.



VISION FOR THE HUB FOCUS AREA

The Transit Hub Focus Area will be a vibrant, prosperous neighborhood, welcoming both residents and visitors with a memorable sense of arrival. Our diverse cultural heritage and historic neighborhoods will be respected, while encouraging infill development that expresses fresh ideas and urban form.

4TH St. will remain our retail backbone, extending its pedestrian-friendly hometown sense of place beneath the 101 viaducts. SMART riders' approaching or departing the Downtown station will enjoy a "shady lane" feeling between Mission and 2nd St.

Caltrans' right-of-way beneath 101 will be visually transformed using creative lighting, artwork, street vendors, and landscaped pathways alongside a healthy, restored creek. Bus stop or parking improvements will increase the functional use of the land.



The entire Transit Hub Focus Area will be interconnected along broad, inviting, tree-lined sidewalks teeming with vitality both day and night.

People will stay, rather than simply pass through the area. Bicyclists and pedestrians will come and go along safe, well-defined routes and find abundant bike parking and bike share opportunities near the transit stations.

Excellent transit connections, functioning in concert with traffic-calmed streets will keep auto traffic moving efficiently. Curbside "Last mile" pick-up and drop-off will be close by, with both car share opportunities and easily identified short-term and all-day parking available within walking distance.

The transit center will be clean, safe, well-lit and designed to become an enduring neighborhood landmark. It will reflect the City's pursuit of sustainability in its design and operation, and forward-thinking adaptability. Attractive onsite and nearby public gathering opportunities will benefit transit riders and residents living in a variety of new housing types over shops and businesses.

We value:

Sense of Community
Healthy Economy
Hometown Feel
Complete Urban Community
Strong Identity
Clean, Safe and Attractive
Pleasant to Walk In
Active, Outdoor and People Orientation
Gathering Place
Historic Heritage
Good Neighbor to Neighborhoods
Easy to Move About
Diversity
Environmentally Sound Practices
Civic Cooperation

From 1993 Downtown Vision

KEY 4th OPTION ELEMENTS

The Bridge District has agreed to work with City staff and our residents to develop a 4th Option for relocating the bus transit center. To focus the design process, the City has identified five key design goals for the 4th Option alternative.

MAXIMIZE 4TH STREET VITALITY

CLEARLY DEFINE TRANSIT CENTER ACCESS ROUTES

IMPROVE UTILIZATION OF THE CALTRANS RIGHT-OF-WAY

DEMONSTRATE ENDURING DESIGN

PRESERVE THE WHISTLESTOP BUILDING

A brief description of detailed aspects of these elements follows.

MAXIMIZE 4TH STREET VITALITY

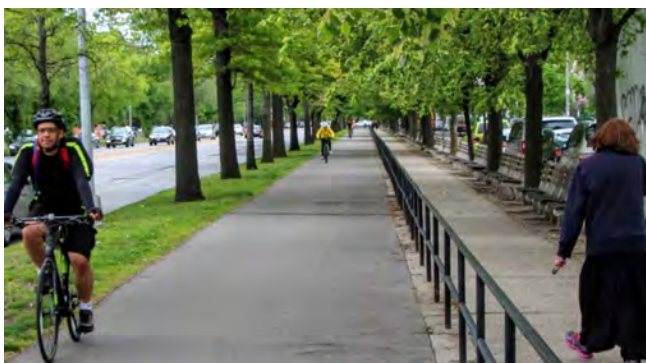
- 1- Foster 4th Street's "main street" feeling between Lincoln and Irwin. Accommodate broader tree-lined sidewalks with fewer vehicle crossings, unique, street-facing storefronts and inviting public space, adequately sized to allow outdoor dining, family fun, community events, and people watching.
- 2- Respect the City's mid-term goal to eliminate vehicle access from 4th St. north onto both West and East Tamalpais, expanding opportunities for public space.
- 3- Continue preventing vehicle access into Caltrans' parking lot on the north side of 4th St, to maximize pedestrian safety.
- 4- Identify the safest, most convenient bikeway crossing location of Fourth St. at W. Tamalpais.
- 5- Prevent permanent 4th St. bus stops under the freeway to allow for safer shared use of the roadway.
- 6- Limit any 4th St. transit center driveways to the minimum width necessary, with excellent sight lines.
- 7- The 4th St. intersection at Hetherton is a priority location for gateway elements, including signature landscaping, artwork, wayfinding signage, electronic message boards and specialty lighting.



CLEARLY DEFINE TRANSIT CENTER ACCESS ROUTES

All east-west downtown access streets between Mission and 2nd St shall be kept open.

- 1- Within the Hub Focus Area, prioritize pedestrian safety. Identify preferred transit center access routes for student and Canal transit riders.
- 2- Minimize rider transfer times for rail and bus services.
- 3- Design adaptive Last Mile pick up and drop off locations for a minimum of 10 vehicles.
- 4- Identify preferred nearby public or private replacement parking space locations for all displaced existing spaces, plus an additional 60 parking spaces serving regional transit users.



5- North-south transit center access for bikes, between Mission and 2nd St., will be from a two-way Class IV bikeway on W. Tamalpais

6- Anticipate a landscaped pathway on the east side of Hetherton between Mission and 3rd St. where feasible.



7- Wayfinding elements should be integrated into the project, and complementary to the building design.

8- Incorporate traffic signalization and other technological methods to increase bus movement efficiency.

9- Safe, inviting mid-block pedestrian routes to the transit center should be provided, where possible.

IMPROVE UTILIZATION OF THE CALTRANS RIGHT-OF-WAY



1- Transformation of the Caltrans property will increase transit center safety and use. Identify modifications that will benefit the project and the overall improvement of the neighborhood.

2- Explore increasing the efficiency of Caltrans' land use under the freeway by either creating a safe, inviting transit center or expanding parking capacity using vertical lift parking systems.

3- The area under the raised freeway structures should be redeveloped to increase the visual appeal and unique sense of Gateway arrival into the Downtown. Include elements such as identity graphics, artwork, creek restoration, landscaped plazas and sitting areas, historic markers, electronic message signs, special effect lighting, and food trucks and kiosk vendors.



4- Include more street trees on both sides of this roadway to add visual relief and calm traffic. Accommodate landscaping within Caltrans' right-of-way on the eastern frontage of the existing Bettini Transit Center if Hetherington bus pads are discontinued.

5- Create an attractive landscaped terminus adjacent to the SB 101 on-ramp south of 2nd St.

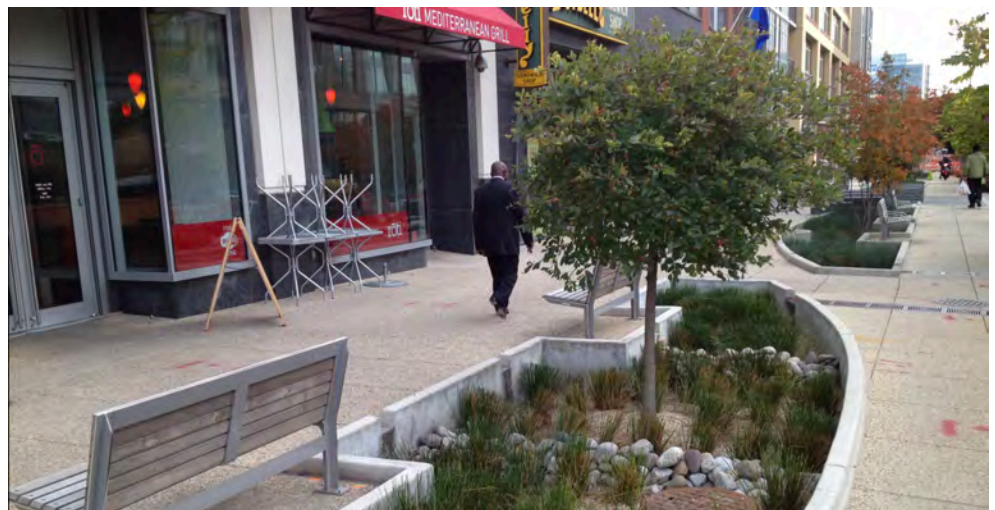
DEMONSTRATE ENDURING DESIGN



1- The relocated transit center will be a central facility in the Downtown, and serve as a welcoming point of arrival for regional travelers and visitors to

San Rafael. In concert with other Gateway features, the building and site should reflect the heritage of the City, contribute to the City's Vision for extension of the 4th St. Retail Core, and afford transit users the safest, most efficient means of using bus and rail services.

- 2- The transit center should reflect San Rafael's pattern, scale, and neighborhood heritage, while also being a unique, innovative architectural statement. Construction materials should produce an enduring high quality with reasonable ongoing maintenance needs.
- 3- The Transit Center should be safe, well-lit, and attractively landscaped, creating a welcoming effect for users and passers-by. Include Gateway features within the site plan and facility design that are compatible with the City Vision. Nighttime lighting should create a safe, artistic sense of arrival, while limiting night sky glare.
- 4- Sustainable elements should be visible in its site planning, building design, and operation. Identify storm water pollution prevention, water and energy conservation, renewable energy integration, air and noise quality, waste management, and green construction technology components.





5- Identify locations for appropriately sized public gathering areas to complement the center's function as a regional and Downtown hub. These settings would include attractive seating, unique paving, landscaping, lighting, directional signage, informational kiosks, historic markers, play areas, public art, trash and recycling containers, and flexible space for micro-enterprise and event opportunities.

6- Advanced communication technology should be integrated into the transit center design, including electronic, real-time messaging, and public Wi-Fi.

7- Transit Center planning should accommodate emerging trends in mobility and mobility technology. Incorporate surrounding site flexibility for change over time.

8- Provide a minimum of 15 ft. wide sidewalks within the block surrounding the new Transit Center

PRESERVE WHISTLESTOP



1- Retain the Whistlestop building on its current site, with street level modifications to improve pedestrian enjoyment. Create wider sidewalks on the south and west side of the building.

2- At the north end of Whistlestop, anticipate more public amenities, including possibly a coffee kiosk, fountain, landscaping, or other gateway features.

3- Anticipate removal of a portion of the south end of the Whistlestop building to create safer transit user movement across 3rd St. and more interesting public space.

4- Integrate last-mile drop-off/pick up spaces and a two-way Class IV bikeway into the W. Tamalpais street section.



**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOLDEN GATE BRIDGE, HIGHWAY AND
TRANSPORTATION DISTRICT AND THE CITY OF SAN RAFAEL**

This Memorandum of Understanding is entered into as of this 27 day of OCTOBER, 2017, by and between the Golden Gate Bridge, Highway and Transportation District, a special district of the State of California, duly created and acting under California Streets and Highways Code Section 27000 et seq ("District") and the City of San Rafael, a California charter city ("City"), (collectively referred to as the ("Parties")).

RECITALS

A. The Sonoma Marin Area Rail Transit District ("SMART") was created pursuant to AB 2224 (California Public Utilities Code § 105000 et seq.) for the purpose of providing a passenger rail service and multi-use pathway within the Counties of Sonoma and Marin.

B. The SMART rail corridor, historically known as the Northwestern Pacific Railroad, runs north to south in Sonoma and Marin Counties, generally parallel to U.S. Highway 101, including a segment running through Downtown San Rafael between Hetherton Street and Tamalpais Avenue.

C. SMART has commenced passenger rail operations between the City of Santa Rosa and the Downtown San Rafael SMART Station, located in the block encompassed by Third Street, Hetherton Street, Fourth Street, and Tamalpais Avenue.

D. Adjacent to the Downtown San Rafael SMART Station to the south, District owns and operates the C. Paul Bettini Transportation Center, also commonly known as the San Rafael Transit Center ("Transit Center"), situated in the block encompassed by Second Street, Hetherton Street, Third Street, and Tamalpais Avenue. The SMART rail corridor runs north to south directly through the the Transit Center, and crosses Second and Third Streets.

E. The Transit Center is the main passenger transit terminal for Marin County, providing essential transit services to over 9,000 customers daily and facilitating travel and transfers throughout Marin County, to San Francisco, Contra Costa, and Sonoma Counties. The Transit Center accommodates transportation services provided by the District, Marin Transit, Sonoma County Transit, Greyhound Bus Lines, the Marin Airporter and the Sonoma Airporter. The continued and efficient operation of the Transit

Center is a crucial concern of District and the other transportation service providers operating there, and of their customers.

F. The streets surrounding the Downtown San Rafael SMART Station and the Transit Center are among the busiest streets in the City of San Rafael. Second Street and Third Street are the City's main east-west traffic corridors south of Puerto Suello Hill, providing a primary access between Highway 101 and West Marin, Fairfax, and San Anselmo as well as to Downtown San Rafael. The offramp from Highway 101 South into Downtown San Rafael feeds directly into Hetherton Street, which, four blocks farther south, feeds directly into the onramp to Highway 101 South from Downtown San Rafael. The smooth and efficient flow of traffic in this area is a vital concern to the City of San Rafael and its residents, businesses, and visitors, as well as to the transit operators whose buses use the City's streets, and transit passengers.

G. SMART is also proceeding with the design and construction of the improvements needed to extend its passenger rail service system the 2.2 miles from the Downtown San Rafael SMART Station to a location near the District's Larkspur Ferry Terminal in Larkspur (the "SMART Larkspur Extension Project").

H. Because the SMART rail corridor in San Rafael runs through the Transit Center, the SMART Larkspur Extension Project will require replacement of the Transit Center and its transit operations to an existing and/or new site in downtown San Rafael. The City and the District have cooperated to develop several options for the replacement Transit Center, more specifically identified in the March 2017 San Rafael Transit Center Relocation Study Final Report, all of which are within close proximity of the current Transit Center and the Downtown San Rafael SMART Station; and the District, as lead agency, will soon be undertaking the environmental analysis and design for the permanent replacement facility.

I. The District has worked with the City, SMART, and other transit agencies to design an "Interim Transit Center" for transit operations. The Interim Transit Center will be designed and constructed by SMART in association with its construction of the SMART Larkspur Extension Project. It will serve as the main passenger transit terminal in Marin County until such time as the permanent replacement of the Transit Center is constructed and occupied.

J. The City and District desire to memorialize herein their intention and agreements for cooperating on the environmental review, planning and approval of the Transit Center Replacement Project (hereafter, the "Project").

NOW, THEREFORE, the City and the District agree as follows:

AGREEMENT

1. The District shall be the lead agency for purposes of environmental review of the Project under the California Environmental Quality Act ("CEQA").

2. The City shall be a responsible agency for purposes of environmental review of the Project under CEQA.

3. The District and the City shall cooperate to develop and consider, to the extent feasible, an additional alternative for the replacement Transit Center, besides those identified in the March 2017 Report.

4. In planning and developing specific Project features, the District shall meet and confer with the City's Community Development Department staff concerning consistency of the proposed Project with the City's General Plan, Station Area Plan, and Zoning Ordinance.

5. The parties agree that the selected alternative must be approved by the City Council.

6. In consideration of the obligations undertaken by District herein, City shall waive standard application and hearing fees for City review of the Project, and shall streamline any District applications, as applicable, to the City for work required in or affecting the public right-of-way or other public property.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

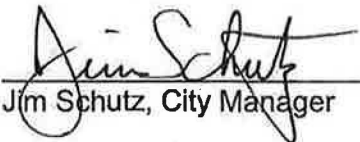
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

By: 
Denis J. Mulligan, General Manager


APPROVED AS TO FORM:

By: 
District Counsel


CITY OF SAN RAFAEL

By: 
Jim Schutz, City Manager

ATTEST:

By: 
Esther Beirne, City Clerk

APPROVED AS TO FORM:

By: 
Robert F. Epstein, City Attorney