LOS GAMOS APARTMENTS DEVELOPMENT PROJECT

Los Gamos Drive, San Rafael, CA
Assessor's Parcel Nos.: 165-220-06 & -07

Initial Study/Mitigated Negative Declaration

Lead Agency:

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

Contact: Leslie Mendez, Planning Manager,
Sean Kennings, Contract Planner

October 2021 *(Revised December 8, 2021)*

TABLE OF CONTENTS

SAN RAFAEL
THE CITY WITH A MISSION

DATE: October 29, 2021

TO: Public Agencies, Organizations and Interested Parties

FROM: Jeff Hamilton, Contract Planner

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

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Department of Community Development of the City of San Rafael has prepared an Initial Study on the following project:

Project Name:

Los Gamos Apartments

Location:

Los Gamos Drive, San Rafael, Marin County, California, APNs: 165-220-06 & 165-220-07.

Property Description:

The Project site is a 10.24-acre vacant hillside property located at the southwest end of Los Gamos Drive in Northern San Rafael.

Project Description:

The Neighborhood at Los Gamos ("The Neighborhood" or "Project") is a new development consisting of 192 multifamily residential units, a neighborhood market, and a community center. The vision for the neighborhood is just that, it is designed as a true neighborhood, with its own grocery store, central gathering area, and fitness and outdoor amenities.

Environmental Issues:

The proposed project would result in potentially significant impacts in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Tribal Resources. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the attached Mitigation Monitoring and Reporting Plan (MMRP) and Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration document has been prepared in consultation with local, and state responsible and trustee agencies and in accordance with Section 15063 of the California Environmental Quality Act (CEQA). Furthermore, the Initial Study/Mitigated Negative Declaration will serve as the environmental compliance document required under CEQA for any subsequent phases of the project and for permits/approvals required by a responsible agency.

A thirty-day (30-day) public review period shall commence on **October 29, 2021**. Written comments must be sent to the City of San Rafael, Community Development Department, Planning Division, 1400 Fifth Avenue, San Rafael CA 94901 **by November 29, 2021**. The City of San Rafael Planning Commission will hold a public hearing on the Initial Study/Mitigated Negative Declaration and project merits on **Tuesday, December 14, 2021, 7:00 PM in the San Rafael City Council Chambers at City Hall (address listed above). Correspondence and comments can be delivered to Jeff Hamilton, Contract Planner, phone: (818) 414-3498, email: jhamilton@migcom.com.**

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM
Los Gamos Apartments

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
I. AESTHETICS					
I(d). Mitigation Measure AES-1: Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Division that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)	Require as a condition of approval	Planning Division Building Division	Incorporate as condition of project approval Planning Division verifies appropriate plan/study obtained prior to issuance of building permit	Deny project Deny issuance of building permit or halt work in reliance of the permit if the lighting study does not demonstrate compliance	
III. AIR QUALITY					
III (b). Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of building permit If construction activity is found out of compliance, Project sponsor halts work immediately	Deny project Deny issuance of building permit Stop Work Order or revocation of permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the City of San Rafael Building Division regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.					
III(b). Mitigation Measure AQ-1a: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. • The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. • Use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. • Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant levels.	Project sponsor provides equipment list prior to issuance of building permits	Public Works Department / Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
			If construction activity is found out of compliance, Project sponsor halts work immediately	Stop Work Order or revocation of permit	
III(c) Mitigation Measure AQ-2*:* Include high-efficiency particulate filtration systems in residential ventilation systems. The project shall include the following measures to minimize long-term increased cancer risk and annual PM2.5 exposure for new project occupants: 1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above. 2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required. 3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.					
IV. BIOLOGICAL RESOURCES					
IV(a). Mitigation Measure BIO-1a: The project sponsor shall conduct pre-construction surveys prior to initiation of any construction activities, including the following: • Rare Plant Survey. Prior to initiation of construction, a qualified botanist will survey for this species during their blooming season (April through November) to ensure these plants are not impacted. If individual plants are located within the development footprint, the qualified botanist will transplant individual plants to an area with the habitat requirements for this species in an area that will remain undisturbed within the Project Area.	Require as a condition of approval Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Planning / Building Division	Incorporate as condition of project approval. Project applicant conducts pre-construction survey before permit issuance. Planning / Building Division verifies survey conducted prior to issuance of building permit If biological resources are discovered during construction, Project	Deny project Deny issuance of building permit Stop Work Order or revocation of permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
• Special-Status Plant Survey and Avoidance. A qualified botanist shall conduct surveys during the appropriate blooming period for all special-status plants that have the potential to occur on or adjacent to the Project area prior to the start of ground-disturbing activities and prepare a report documenting survey findings. Habitat adjacent to the Project area should be surveyed if the Project may have indirect impacts off-site as a result of changes to hydrological conditions or other indirect impacts. More than one year of surveys may be necessary. Surveys and reporting shall be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*. Surveys shall be submitted to CDFW for review and written acceptance. If special-status plants are found during surveys, the Project shall be re-designed to avoid impacts to special-status plants. If impacts to any special-status plants cannot be avoided completely during construction, the Project shall provide mitigation including on-site restoration, off-site habitat preservation, or another method accepted in writing by CDFW. The qualified botanist shall be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.	Require as a condition of approval Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division	sponsor stops work immediately		
• Tree Removal and Migratory Bird Protection. Tree and shrub removal will be conducted between September 1 and February 14, outside of nesting bird season, to the extent possible. Tree removal between February 15 and August 31 will require a	Require as a condition of approval.	Planning Division			

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
nesting bird survey by a qualified biologist no more than 7 days prior to work occurring.					
• Active Bird Nest. If at any time of the year an active bird nest is observed within or near work sites, work within 50 feet of the observed nest shall cease, care shall be taken not to disturb the nest, and the work supervisor shall contact designated biologist for guidance on how to proceed. A no-work buffer will be implemented by the biologist as appropriate to protect the nest until the young have fledged.	Require as a condition of approval.	Planning Division			
• Bat Tree Habitat Assessment and Surveys. Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, and suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked and tree trimming or removal shall not proceed unless the following occurs: a) in trees with suitable habitat, presence of bats is presumed, or documented during the surveys described below, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats.	Require as a condition of approval.	Planning Division			

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
Two-step tree removal shall be conducted over two consecutive days, as follows: • the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided; and • the second day the entire tree shall be removed.					
IV(a). Mitigation Measure BIO-1b: Burrowing Owl Habitat Assessment, Surveys, and Avoidance. Prior to Project activities, a habitat assessment shall be performed following Appendix C: Habitat Assessment and Reporting Details of the CDFW Staff Report on Burrowing Owl Mitigation4(CDFW 2012 Staff Report). The habitat assessment shall extend at least 492 feet (150 meters) from the Project site boundary or more where direct or indirect effects could potentially extend offsite (up to 500 meters or 1,640 feet) and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct surveys following the CDFW 2012 Staff Report survey methodology. Surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted commensurate with the type of disturbance anticipated, as outlined in the CDFW 2012 Staff Report, and include burrow surrogates such as culverts, piles of concrete or rubble, and other non-natural features, in addition to burrows and mounds. Time lapses between surveys or Project activities	Require as a condition of approval. Prior to the issuance of building permits, project sponsor designates qualified professional prior to start of construction and conduct assessments and surveys. Final survey to be conducted within 24 hours of ground disturbance. Prior to issuance of building permits, project sponsor designates qualified professional prior to start of construction to coordinate with CDFW to find	Planning Division Planning / Building Division	Incorporate as condition of project approval. Prior to issuance of building permit, qualified professional coordinates with CDFW to find appropriate off-site burrow locations. Prior to issuance of building permit, Planning / Building Division verifies permanent preservation of off-site burrow locations is satisfactory to CDFW.	Deny issuance of building permit Stop work if final survey discovers burrowing owls.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report and any passive relocation plan for non-nesting owls shall be subject to CDFW review. Burrowing Owl Wintering Habitat Mitigation. If the Project would impact an occupied burrow (where a non-nesting wintering owl would be evicted as described above), the following habitat mitigation shall be implemented prior to Project construction: • Impacts to each burrow site shall be mitigated by permanent preservation of two occupied burrow sites with appropriate foraging habitat within Marin County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.	appropriate off-site burrow locations.		Incorporate as condition of project approval. Qualified professional conducts pre-construction survey before permit issuance. Planning / Building Division verifies survey conducted prior to issuance of building permit		
IV(a); Mitigation Measure BIO-1c: American Badger Preconstruction Wildlife Survey. Within one week prior to initiation of construction, a qualified biologist will survey the Project Area for potential American badger burrows. If potentially occupied burrows are detected, an avoidance	Require as a condition of approval. Prior to the issuance of building permits, project sponsor designates qualified professional to conduct assessment and surveys and	Planning Division Planning / Building Division	Incorporate as condition of project approval. Qualified professional conducts assessments	Deny issuance of building permit Stop work if final survey discovers	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
buffer will be approved by CDFW, and established to protect the burrow from construction impacts. If a sufficient buffer cannot be established, the biologist will prepare a relocation plan to be approved by CDFW and implemented prior to initiation of construction. If construction is suspended for more than 1 week or is initiated in an area more than 2500 feet from active construction, a new survey will be performed prior to re-starting work or starting work in new areas.	to prior to start of construction. Require as a condition of approval. Prior to issuance of building permits, project sponsor designates qualified professional prior to start of construction to coordinate with CDFW to find appropriate off-site burrow locations.		and surveys as outlined in the mitigation measure and provides copy of results to Planning Division. Planning / Building Division verifies assessments and surveys conducted prior to issuance of building permit. Planning / Building Division verifies final survey was conducted within 24 hours of ground disturbance..	suitable habitat trees. Deny issuance of building permit	

V. CULTURAL RESOURCES

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
V(b). Mitigation Measure CULT-1: Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).	Require as a condition of approval Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Planning /Building Division	Incorporate as condition of project approval Project sponsor to halt work immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	Deny project Halt building permit	
V(c). Mitigation Measure CULT-2: Protect Human Remains Identified During Construction: The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The	Require as a condition of approval Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Planning /Building Division	Incorporate as condition of project approval Project sponsor to halt work immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	Deny project Halt building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.			Project sponsor to halt work immediately upon discovery of cultural resources	Stop Work Order or revocation of permit	
VII. GEOLOGY AND SOILS					
VII(a)(ii). Mitigation Measure GEO -1: Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum recommendations include design of new structures in accordance with the provisions of the 2019 California Building Code or subsequent codes in effect when final design occurs. Final project design shall be consistent with the recommended seismic design coefficients and spectral accelerations are presented in the findings presented in Section 5.1 of the December 7, 2020 MPEG report.	Require as a condition of approval Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Planning Division Public Works Department	Incorporate as condition of project approval Public Works Department / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	
VII(a)(iv). Mitigation Measure GEO-2: Supplemental exploration with exploratory trenches and geology site inspection/mapping further upslope shall be performed to better evaluate the potential for instability. Most of the suspected areas of instability within the site will be removed as part of the planned excavation and building construction. Undeveloped areas of instability within the project site should be over-excavated, subsurface drainage installed, and backfilled with engineered fill. Global stability of the site should be checked as part of building wall design. Debris catchment structure or deflection wall/berm may be needed upslope of the planned buildings if debris flow paths cross planned structures. Final project design shall be consistent	Require as a condition of approval Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer	Planning Division Public Works Department	Incorporate as condition of project approval Public Works Department/ Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.					
VII(b). Mitigation Measure GEO-3: Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. Planned improvements or structures on shallow foundations should be setback from the unimproved drainage channel. The recommended setback distance is a 3:1 inclination from the channel bed or 10 feet from top of bank, whichever is greater. The site drainage system shall be designed to collect surface water from the maximum credible rainfall event and discharging it into an established storm drainage system. The project Civil Engineer is responsible for designing the site drainage system. In addition, an erosion control plan shall be developed prior to construction per the current guidelines of the California Stormwater Quality Association's Best Management Practice Handbook. Additionally, regular monitoring of the upslope areas shall be performed, particularly during and following periods of heavy rainfall. Regular maintenance of upslope areas should also be performed and should include maintaining vegetative cover on slopes, clearing debris from the v-ditches and drain inlets, and promptly repairing any erosion or shallow instabilities that occur. Final project design shall be consistent with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.	Require as a condition of approval Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer	Planning Division Public Works Department	Incorporate as condition of project approval Public Works Department/ Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
VII(d). Mitigation Measure GEO-4: Soils subgrades and fills shall be moisture conditioned above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Retaining structures shall be designed with a soil creep load where walls retain sloping ground. Foundations shall be designed to account for some expansive soil movement. Final project design shall be consistent with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Public Works Department/Building Division	Incorporate as condition of project approval Public Works Department/ Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	
VII(f). Mitigation Measure GEO-5: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring,	Require as a condition of approval Project sponsor shall designate qualified paleontologist, consult with agencies as appropriate prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted. Planning / Building Division contacted and appropriate agencies alerted to discoveries	Deny project Halt building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)

recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

> "The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."					
X. HYDROLOGY AND WATER QUALITY					
X(a). Mitigation Measure HYDRO-1: Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives: 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary; 4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.	Require as a condition of approval Project sponsor submits SWPP/ESCP to San Rafael Department of Public Works prior to issuance of building permits	Planning Division Public Works Department	Incorporate as condition of project approval Public Works Department verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.					
X(a). Mitigation Measure HYDRO-2: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to: 1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. 2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff. 3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit. 4) Funding for long-term maintenance of all BMPs shall be specified.	Require as a condition of approval Project sponsor submits Phase II Small MS4 Permit to San Rafael Department of Public Works prior to issuance of certificate of occupancy	Planning Division Public Works Department	Incorporate as condition of project approval Public Works Department verifies appropriate approvals obtained prior to issuance of certificate of occupancy	Deny project Deny issuance of certificate of occupancy	

MITIGATION MONITORING AND REPORTING PROGRAM
Los Gamos Apartments

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
XVIII. TRIBAL CULTURAL RESOURCES					
XVIII(a). Mitigation Measure TRIBAL-1: Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Stop Work Order or revocation of permit	
			Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit		

ENVIRONMENTAL CHECKLIST

1. Project Title	Los Gamos Apartments
2. Lead Agency Name & Address	City of San Rafael Community Development Department Planning Division 1400 Fifth Avenue San Rafael, California 94901
3. Contact Person & Phone Number	Sean Kennings, LAK Associates, LLC Phone number: # (415) 533-2111 Email: sean@lakassociates.com
4. Project Location	The site is located in the City of San Rafael, Marin County, California off Los Gamos Drive, Assessor's Parcel Nos. 165-220-06 & -07. (Refer to Exhibit A, "Vicinity Map").
5. Project Sponsor's Name & Address	Project Sponsor Colin Russell Architects 990 A Street, Suite 202 San Rafael, CA 94901
6. General Plan Designation	Hillside Resource Residential
7. Zoning	PD-H (Planned District - Hillside Development Overlay District), R2a-H (Residential - Hillside Development Overlay District)

8. Description of Project

Setting and Background

The Project site is a 10.24-acre property located at the southwest end of Los Gamos Drive in Northern San Rafael. Los Gamos Drive is accessed from Lucas Valley Road to the north and dead ends with no through vehicle access to Los Gamos Road to the south. On the eastern side of Los Gamos Drive near the Project site is an office building and the YMCA building. The Project site is bordered by open space to the immediate north. The recently completed Kaiser-Permanente parking garage is also located north of the Project site on the west side of Los Gamos Drive near its intersection with Lucas Valley Road.

Project Description

The Neighborhood at Los Gamos ("Project") is a new development consisting of 192 multifamily residential units, a neighborhood market, and a community center. The Project has been designed as a stand-alone neighborhood, with its own grocery store, central gathering area, and fitness and outdoor amenities. In addition, this site has direct access to the freeway and nearby transit opportunities without passing through existing residential neighborhoods in San Rafael. Furthermore, the size and shape of the Project site allow the upper hillside area to be preserved, and a density of only 18 units/acre to yield the requested number of units.

Project Information

The 192 multifamily units and retail and community service facilities would be contained in six (6) buildings as follows:

- 2 buildings of 3-stories above parking;
- 3 buildings of 4-stories above parking; and
- 1 building of 2-stories above parking that will house community service facilities for the residents, a retail market use, and a plaza open to the public.

The buildings will be clustered and located significantly downslope to the east, close to Los Gamos Drive, to preserve the community-wide visibility of the hillside above. The apartments are affordable by design, with smaller units resulting in rents more affordable for the local workforce. In addition, the Project will contribute towards the City of San Rafael's housing goals and meet the City's currently targeted inclusionary rate of 10% Below Market Rate units. The Project will provide 225 on-site parking spaces.

Project Design

The Project has been designed to create a pocket neighborhood that will incorporates elements of the natural surroundings while providing opportunities for recreation and relaxation for visitors.

The Project includes the creation of accessible hiking trails that provide improved connectivity to the adjacent open space. Residents can stroll across a prefabricated metal bridge over an ephemeral drainage to access a small trail system to the southwestern portion of the property and enjoy the "South Park," which provides an overlook area to sit and enjoy a view of San Rafael from an uphill vantage point, a children's playground area that incorporates natural elements such as wood logs, and a slide integrated with the natural sloping terrain.

The Project would also include a community center called the "Village Commons," which will house a market/coffee shop that would be open to the public and conveniently located near Los Gamos Drive. This amenity would be open to residents of the Project as well as open to the public, including the immediate local workforce. The Village Commons will also include a community room and outdoor plaza for use by project residents. Other elements include shared outdoor areas, including a children's play area, stepped lawn terraced seating, and more seating in an olive grove setting.

The Project is designed with sustainability and environmental stewardship at the forefront. The Project will plant over 210 trees to further blend the development with the landscape. The Project will also utilize Silva Cell technology for Bio Retention purposes which supports trees, in part by capturing and cleaning stormwater runoff onsite. The Project includes comprehensive solar, electric vehicle, and electric bike components. Finally, the Neighborhood is strongly considering utilizing BamCore prefabricated wall systems, a highly-engineered bamboo-wood hybrid, for its buildings, however, other possible environmentally sustainable means and methods of construction are also being researched in order to ultimately select the one best suited to this type of construction.

Amenities

The Neighborhood is designed with multiple on-site amenities. In addition to the neighborhood convenience market, playgrounds, South Park, Village Commons, open space access, and community center, the following elements are also included:

- In-unit storage.
- Separate dedicated storage lockers on the interstitial floors above the garage.
- Amazon lockers strategically located by the market in order to reduce traffic and exhaust.
- Installation of the maximum number of solar panels in order to reduce electricity costs for the residents and reduce the carbon footprint of the Neighborhood.
- Pre-paid Clipper cards, in an amount equal to 5 weekly round trips to Santa Rosa or San Francisco, will be included in annual rent, to facilitate the use of public transportation.
- Installation of Electric Vehicle ("EV") charging stations and will pre-wire all parking spaces with EV charging capability to more easily meet the potential future increased EV demands of residents.
- Access to seven to ten EVs for residents to utilize on-demand in order to reduce the need for residents to own a personal vehicle.

- Annual YMCA membership for residents will be included in the lease to promote and facilitate a healthy lifestyle.
- The Project will be pre-wired to allow Wi-Fi accessibility throughout the site.
- The site will also be pre-wired for electric bike charging with storage throughout the development for residents and near the market for the neighboring community.
- Coordination with the office building located at 1401 Los Gamos Drive to redesign the bollards between the parking lot of 1401 Los Gamos Drive and Los Gamos Road for the purpose of improving both the safety and functionality of this intersection for walkers and bikers, but still preventing vehicular through-traffic.

Entitlements

The site consists of two assessor's parcels. The "Northern Parcel" located at APN 165-220-07 is currently zoned PD-H (Planned District - Hillside Development Overlay District), The "Southern Parcel" is currently zoned R2a-H (Residential - Hillside Development Overlay District). Each of the parcels currently has the HRR (Hillside Resource Residential) general plan designation.

Entitlements requested as part of the Project include the redesignation of both of the parcels to the Neighborhood Commercial Mixed Use (NCMU) designation of the San Rafael General Plan 2040. The Project's density is within the 8.7-24.2 units/acre range of this category, which also permits residential and supermarket uses.

The application also seeks the rezoning of both parcels to Planned Development District (PD) pursuant to General Plan 2020 Policy LU-10, which requires a Planned Development zoning for development on lots larger than five acres in size, and General Plan 2040 Policy LU-1.15 Planned Development Zoning, which encourages a PD zoning for lots larger than 5 acres. Specific development standards and allowable uses will be established for the PD as part of the development review process and pursuant to the plans submitted.

The standards of the Project and proposed for the PD are as follows:

Density (Units/Acre)	*18.75 units/acre*
Setback-North	*168'*
Setback- East	*42'*
Setback- West	*50'*
Setback- South	*472'*
Height	*44'(flat)/ 54' (ridged)*
Lot Area	*446,054 sf*
Lot Coverage	*17.08%*
Floor Area Ratio:	*0.01 (only commercial uses apply to FAR)*

The Project also requires approval of a Vesting Tentative Map application to formalize the longstanding lot configuration of the existing parcel.

State Density Bonus Law -Waiver/Modification Request Details

The Project is a "housing development" as defined by the State Density Bonus Law at Cal. Gov. Code § 65915 ("SDBL"). The SDBL, as implemented in San Rafael Municipal Code (SRMC) §14.16.030-H, provides that when an applicant proposes to build the required number of affordable units, the applicant is eligible for, and entitled to a Density Bonus, and further entitled to concessions and incentives to facilitate the construction of the Project.

A Density Bonus is not being requested for the Project, since the density fits squarely within the requested general plan designation. However, the Project seeks concessions/incentives and/or modification/waiver for building heights and parking ratios as designated in the application materials.

Planning Applications

In addition to this Initial Study (IS20-004), the Los Gamos Apartments would require a number of discretionary permits, including the following:

Environmental and Design Review (ED20-058) - The proposed new mixed-use development is considered a "Major Physical Improvement" pursuant to San Rafael Municipal Code Section 14.25.040.A. and subject to Design Review Permit review The Project is subject to the review criteria for Environmental and Design Review Permits pursuant to San Rafael Municipal Code Section 14.25.050, which provide guidelines for all aspects of the project design, including site design, architecture, materials and colors, walls, fences and screening, exterior lighting, signs and landscape design.

General Plan Amendment (GPA20-001) - The project includes a request for redesignation of the site from Hillside Resource Residential (HRR) to Neighborhood Commercial Mixed Use (NCMU) under the 2040 General Plan.

Zoning Change (ZC20-002) The project includes a request to rezone the property from Planned District—Hillside Development Overlay District (PD-H) and Residential—Hillside Development Overlay District (R2a-H) to Planned Development (PD), pursuant to Section 14.27 of the San Rafael Municipal Code.

Tentative Map (TS20-002) - The Project includes a request for approval of vesting tentative map for the site.

9. Other Public Agencies Whose Approval Is Required

- California Department of Fish and Wildlife
- Regional Water Quality Control Board (RWQCB)
- Marin Municipal Water District
- Las Gallinas Valley Sanitary District

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The City of San Rafael sent a letter to the Graton Rancheria of Federated Indians on April 16, 2021 to formally begin the consultation process. As of publication of this document, the Tribe has not yet responded requesting updated consultation. The project applicant contracted the services of Kleinfelder/GANDA to prepare a cultural resource investigation of the project site in June 2021 including a second consultation request to the Graton Rancheria. The Tribe has not responded with subsequent comments.

EXHIBITS

Figure 1: Area Map

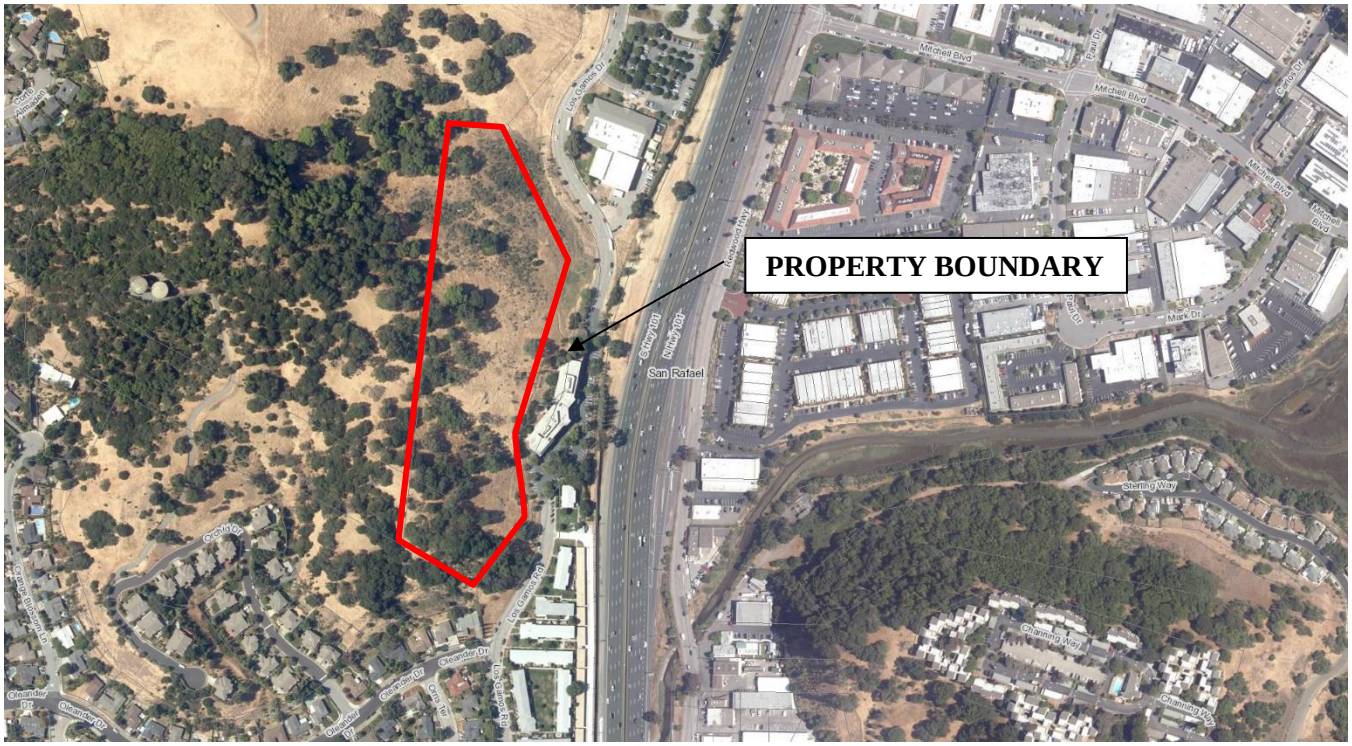

Figure 2: Project Aerial

Figure 3: Site Plan

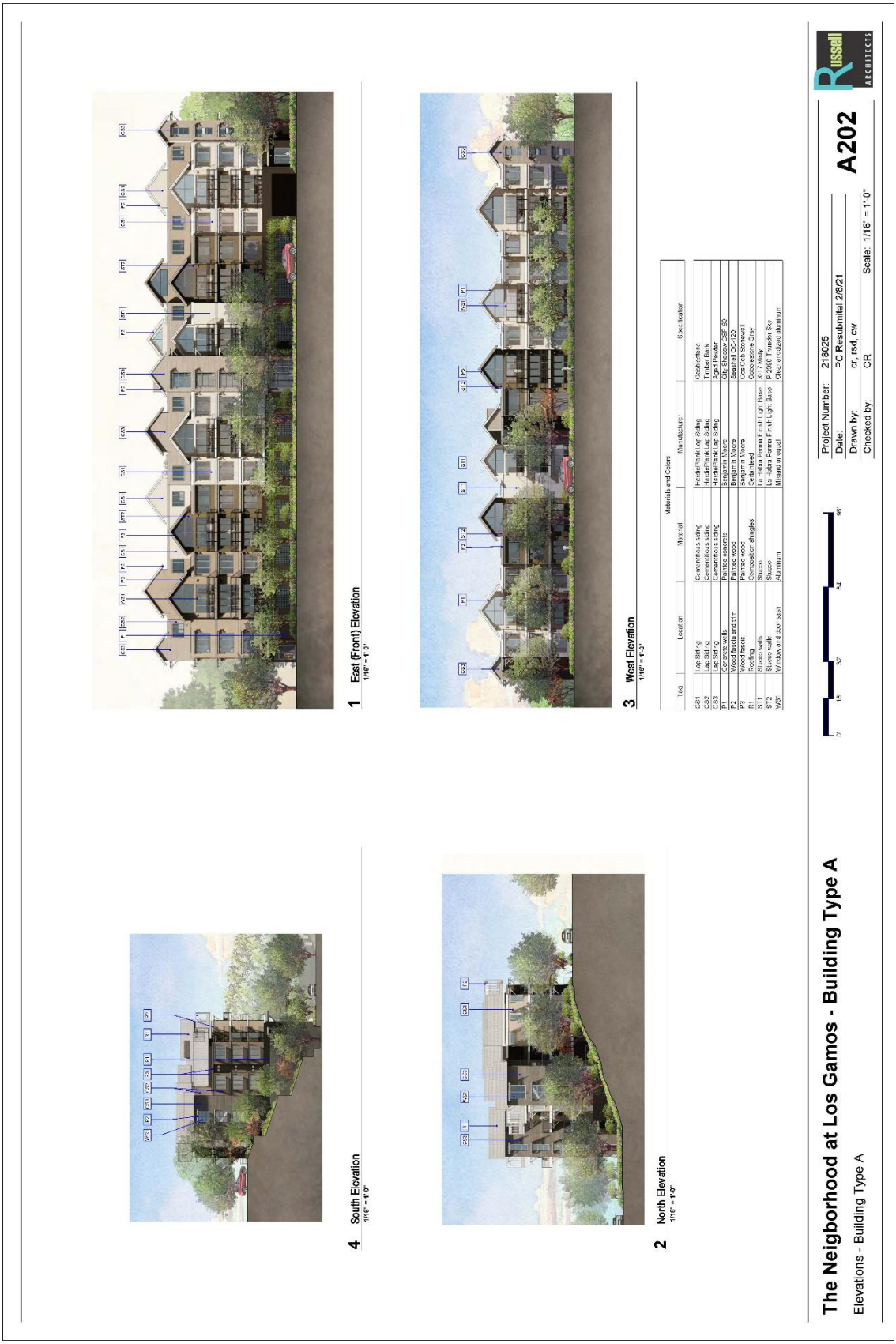

Figure 4: Typical Elevations

Figure 5: Site Sections

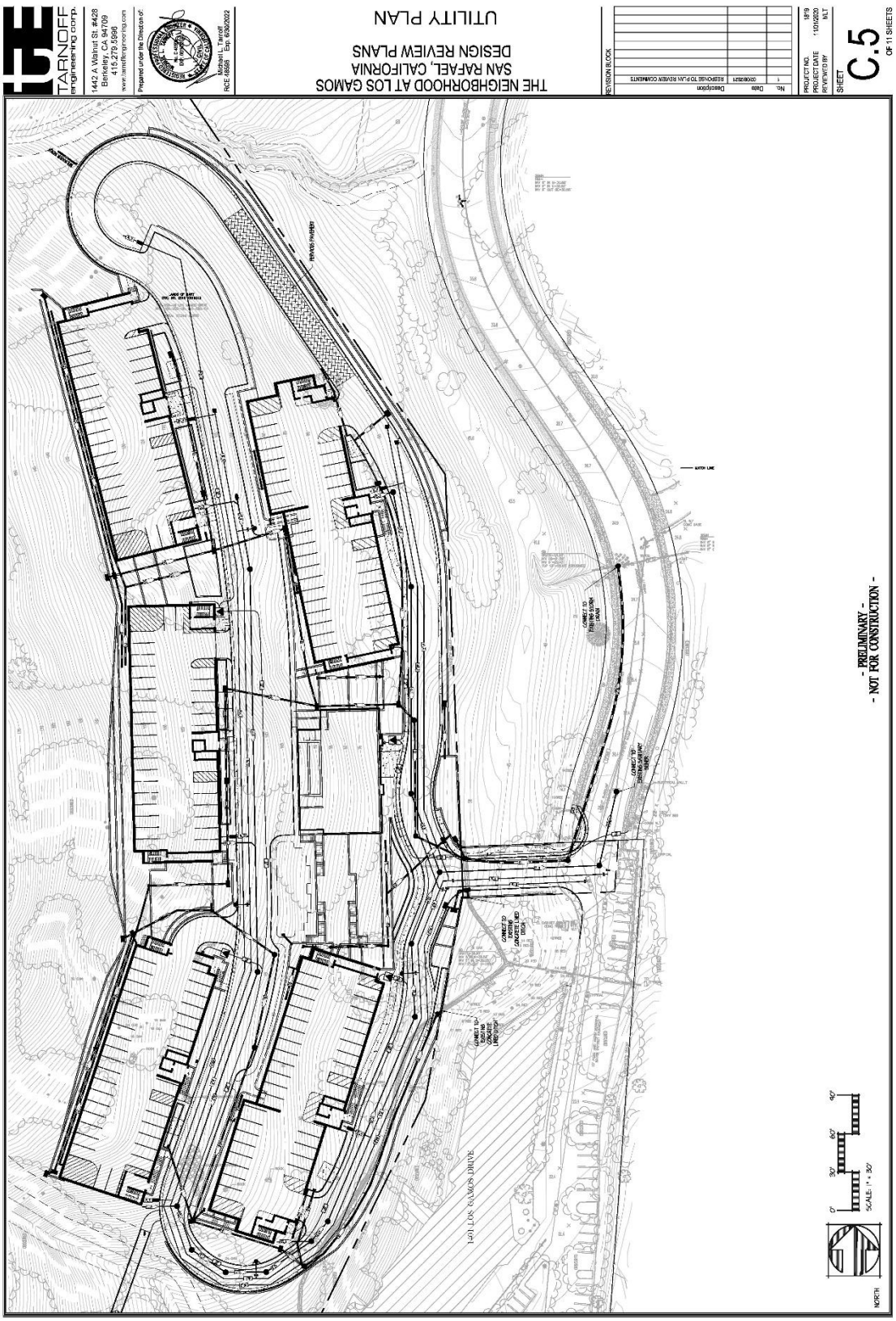

Figure 6: Utility Plan

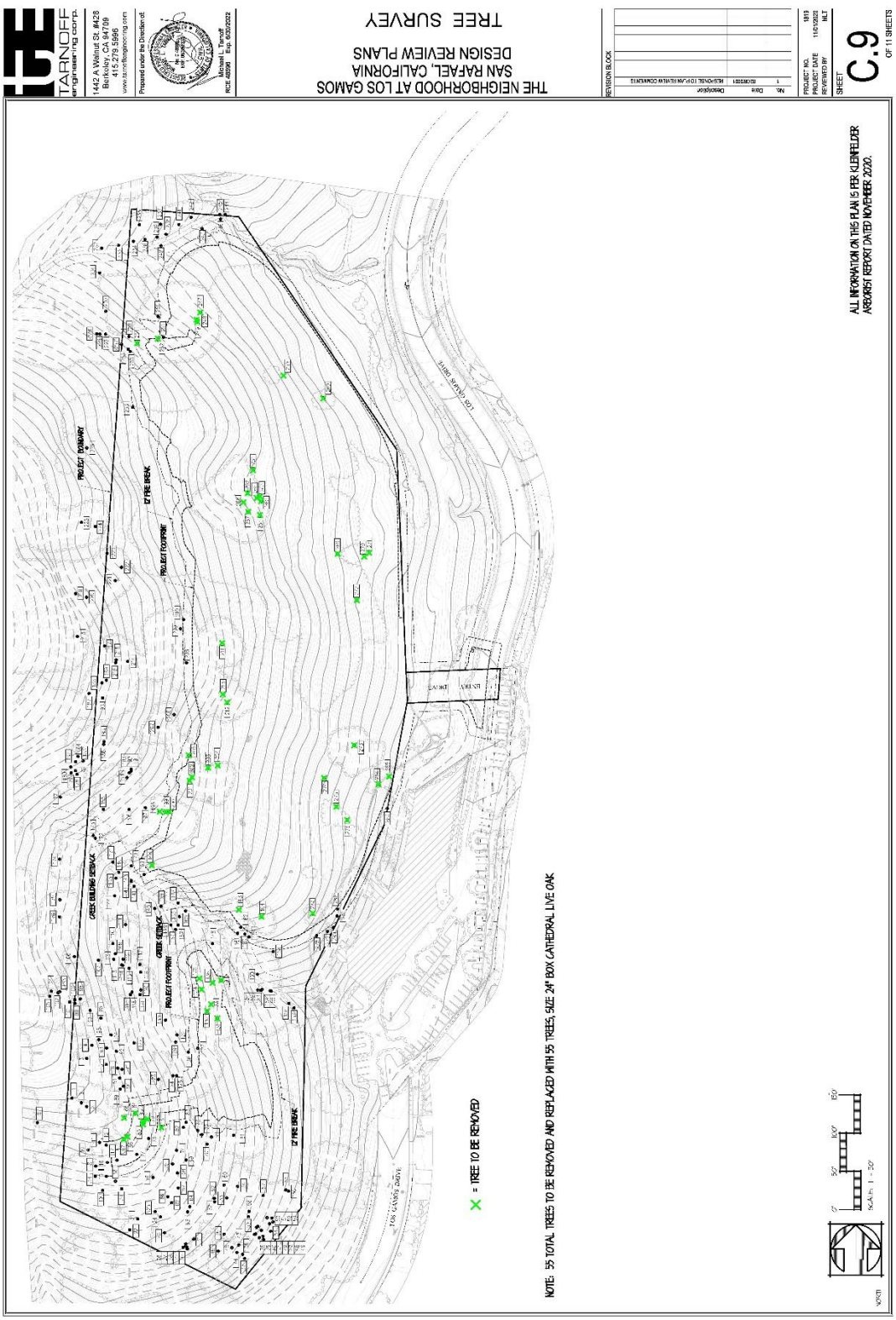

Figure 7: Tree Removal Plan

Figure 8: South Park Plan

Figure 9: Village Commons Plan

Figure 10: Illustrative Rendering – Project Entrance

Figure 11: Village Commons Renderings

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

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

_____ _____

Signature Date

_____

Name, title

EVALUATION OF ENVIRONMENTAL IMPACTS

Evaluation of the Project environmental impacts is prepared as follows:

I. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2 All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following: a) Earlier Analyses Used. Identify and state where they are available for review. b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6 Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significance**.**

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

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

Discussion:

Less Than Significant Impact: A scenic vista is generally characterized as a panoramic view of attractive or impressive natural scenery. The scenic quality, sensitivity level and view access are important consideration when evaluating potential impacts on a scenic vista. For the purposes of CEQA review, and the City General Plan policies, impacts to public views are considered important protected resources. The following General Plan 2040 policy identifies important public views in the City.

> **Community Design Policy CDP-1.5 (Views).** Respect and enhance to the greatest extent possible, views to the Bay and its islands; wetlands, marinas, and canal waterfront; hillsides and ridgelines; Mt. Tamalpais; Marin Civic Center; and St. Raphael's bell tower; as seen from streets, parks, and public pathways.

The project would involve development of five (5) three and four-story residential townhome buildings (192-units), a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces. The proposed project would be developed on undisturbed land bordered by undeveloped open space to the north and west and residential and commercial development to the south and east. The subject parcels are on a hillside ranging in elevation from 30 to 200 feet above sea level. The Los Gamos Apartments project would be considered a new urban development project located in the Mont Marin / San Rafael Park neighborhood area. Although the hills behind the project site could be considered a scenic resource, no scenic vistas have been identified in the General Plan at or in the immediate vicinity of this site. Views across the site to the west from Los Gamos Drive or Highway 101 would change, but existing mature vegetation higher up the hill would not be disturbed, and the project would not project above the crest of the hill behind. Furthermore, there are no views through or across the site that would be impeded from existing public vantage points. Therefore, the impact would be considered less than significant.

(Sources: 1, 2, 3, 4, 5)

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

Discussion:

Less Than Significant Impact: The project site is located approximately 300 feet west of US 101 Highway on the southern end of Los Gamos Drive, south of the YMCA and the new Kaiser Medical Office Building located at the intersection with Lucas Valley Road. The segment of US 101 is not a designated state scenic highway. The project footprint intersects 55 trees that are targeted for removal. An additional 10 trees are located within the 12-foot firebreak surrounding the apartment project footprint, which may be trimmed or encroached upon to reduce fuels in this area. The landscaping plan would introduce 210 new trees, including 55 Cathedral Live Oak trees and other

shrubs/groundcover throughout the project site. As such, because the project is not located within a state scenic highway and would not be substantially damaging scenic resources, the impact would be less than significant.

(Sources: 1, 2, 3, 4, 5)

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

Discussion:
Less Than Significant Impact: The proposed project would require the construction of five (5) three and four-story) residential apartment buildings, a two-story mixed-use building and associated site improvements including 225 parking spaces. Construction would require the removal of 55 existing trees. Although these trees are primarily mature native trees, the project proposes 210 replacement trees, including 55 large-box (24") oak trees. In addition, 10 existing trees may be trimmed or removed to create an effective fuel break around the outside of the proposed development. Although 55 trees are proposed for removal, there are 220 mapped trees on site that would remain untouched, including over 100 trees that would be located above the project on the hillside.

Although the structure would not project over ridgelines or block views to cause potentially significant impacts on visual resources, the proposed project would represent a sizable new development footprint in an area currently characterized by open grassland and mature native vegetation. However, 1) the retention of mature vegetation and the addition of new trees and landscaping throughout the site will greatly reduce the potential for visual degradation, and 2) the proposed project includes 210 trees as replacement for the trees proposed to be removed. Evaluation of the visual illustrations provided by the Applicant indicate a development that will be integrated into a landscaped and natural environment with little visual disruption. Therefore, the impact is considered less than significant.

(Sources: 1, 2, 3, 4, 5)

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Discussion:
Less Than Significant Impact with Mitigation Incorporation: The proposed project would construct five (5) three and four-story apartment structures, a two-story mixed-use building and associated site improvements including 225 parking spaces. Full occupancy of the residences will include evening and weekend activity. The project would result in the development of a previously undeveloped property located near Highway 101. Development of the site for the proposed project would introduce new building heights with many window articulations for residential uses. Therefore, the proposed usage of the building would be introducing a new source of light and glare that could affect nighttime views.

This would result in the introduction of new sources of interior and exterior lighting, as well as landscape and signage lighting. Security lighting for the structures, pedestrian walkways and perimeter security lighting would be

included. Although typical LED light standards are noted on the plans, all site lighting would be designed to meet the City of San Rafael minimum illumination standards for safety at all exterior doorways, parking areas and ground level walkways. Specific lighting levels would be subject review as part of a required post-installation lighting review by Planning staff, pursuant to SRMC section 14.16.227. The following mitigation measure is included to ensure that lighting fixtures that meet building codes specifications area included within the project's building plans:

> **Mitigation Measure AES-1:** Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)

With the incorporation of Mitigation Measure AES-1, the impact would be considered less than significant, and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5)

II. AGRICULTURE AND FOREST RESOURCES

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

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)),	☐	☐	☐	☒

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 511104(g)) ?				
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

No Impact: The project site is located in north San Rafael, in the Mont Marin/San Rafael Park neighborhood, and has a General Plan designation of HRR (Hillside Resource Residential) and has PD-H and R2a-H Zoning designations. The site is presently undeveloped but is not considered prime farmland. There are no Williamson Act contracts associated with the subject property, nor is the property zoned for agricultural uses. The proposed project would require the removal of 55 existing on-site mature trees, but these are not designated as forest land or timberland zoned Timberland Production. There would be no impact.

(Sources: 1, 2, 3, 4)

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Illingworth & Rodkin (I&R) prepared an Air Quality environmental assessment report for the proposed project in November 2020.

Discussion:

Less Than Significant Impact. The project site is in Marin County, which is located within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) is responsible for assuring that the Federal and California Ambient Air Quality Standards are attained and maintained in the SFBAAB. The SFBAAB exceeds the state air quality standards for ozone and particulate matter (respirable particulate matter PM_{10} and fine particulate matter $PM_{2.5}$). The area is designated nonattainment for national standards of 8-hour ozone, 24-hour $PM_{2.5}$, and state standards for 24-hour and annual PM_{10}, and annual $PM_{2.5}$.

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The significance thresholds identified by BAAQMD are

summarized in Table 1 of the I&R report. The BAAQMD's adoption of significance thresholds, which were contained in the 2011 CEQA Air Quality Guidelines, was called into question by an order issued March 5, 2012, in California Building Industry Association (CBIA) v. BAAQMD (Alameda Superior Court Case No. RGI0548693).

In December 2015, the Supreme Court determined that an analysis of the impacts of the environment on a project - known as "CEQA-in-reverse" - is only required under two limited circumstances: (1) when a statute provides an express legislative directive to consider such impacts; and (2) when a proposed project risks exacerbating environmental hazards or conditions that already exist (Cal. Supreme Court Case No. S213478). Because the Supreme Court's holding concerns the effects of the environment on a project (as contrasted to the effects of a proposed project on the environment), and not the science behind the thresholds, the significance thresholds contained in the CEQA Air Quality Guidelines are applied to this project. BAAQMD's updated 2017 CEQA Air Quality Guidelines are the most recent guidance and address the Court's ruling.

For projects, the determination of a significant cumulative air quality impact should be based on the consistency of the project with the Bay Area's most recently adopted Clean Air Plan. A project would be consistent with the 2010 Clean Air Plan if the project would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2010 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning ordinance zoning designations for the site. If the General Plan growth forecast was adopted prior to the adoption of the 2010 Clean Air Plan, then it can be safely assumed that the 2010 Clean Air Plan incorporates the growth forecast from the General Plan.

The City of San Rafael has a Climate Change Action Plan, adopted in May 2019 that established the goal and measures to reduce greenhouse gas emissions 19% below 1990 levels by 2020 (equivalent to 31% below 2005 levels), and 42% below 1990 levels by 2030, which is enough to surpass the City and State goals for those years. However, the Plan does not have a specific metric ton GHG threshold for project-level construction or operation. Therefore, the BAAQMD's CEQA Air Quality Guideline's thresholds are used.

The project would create temporary stationary source and mobile sources (construction activities) and permanent mobile sources from residential vehicles. The project's temporary stationary sources of air emissions would include minor amounts of hazardous materials (paints, solvents, finishes, etc) during construction activities and dust from grading and new site improvements. Temporary mobile sources of stationary air emissions would include constructions vehicles working on site, as well as vehicles travelling to and from the site during construction staging and off-haul of demolition and grading materials. The project would not conflict or obstruct implementation of the 2010 CAP given that the project related construction impacts would be temporary. Once constructed, the proposed townhome development would not be a source of permanent stationary air emissions. The project would however create mobile sources of air emissions from personal vehicles, delivery vehicles and weekly sanitation service pick-ups.

I&R concluded that the project operational emissions would not exceed the BAAQMD thresholds. The 2017 Clean Air Plan, adopted by BAAQMD in April 2017, includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Plans must show consistency with the control measures listed within the Clean Air Plan. At the project-level, there are no consistency measures or thresholds. The proposed project would not conflict with the latest Clean Air planning efforts since 1) project would have emissions below the BAAQMD thresholds, 2) the project would be considered urban infill, and 3) the project would be located near transit with regional connections.

Specifically, these thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. Construction period emission thresholds and operational

emission thresholds are detailed in Tables 4 and 5, respectively, of the I&R report. As detailed in the I&R report the project would not contribute substantially to existing or projected violations of those standards. Furthermore, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The Air District's threshold of significance provided in Table 3-1 has determined that 240 apartment dwelling units will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.). Given the size of the entire project, which is 192 residential units, a 5,600 sq ft market, and a 5,000 sqt ft community center compared to the BAAQMD's screening criterion of 240 apartment dwelling units for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan.

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any 8-hour averaging period during the last 3 years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes less than the BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. In addition, according to screening thresholds in the BAAQMD CEQA Guidelines, the project would be too small to generate significant total emission of air contaminants. Therefore, the project would not cause the violation of an air quality standard or worsen an existing violation of an air quality standard. This would be a less than significant impact.

(Sources: 1, 2, 3, 4, 5, 9, 10, 15)

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

Discussion:

Less Than Significant Impact with Mitigation Incorporation. The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered nonattainment for PM_{10} under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in the I&R report as Attachment 2.

Construction period emissions

Annual emissions were predicted using CalEEMod and EMFAC2017, as described above. Average daily emissions were computed by dividing the total construction emissions by the number of construction days (320 construction workdays). Table 4 of the I&R report shows average daily construction emissions of ROG, NOX, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project and, as indicated in the report, predicted construction period emissions would not exceed the BAAQMD significance thresholds.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions. Therefore, implementation of ***Mitigation Measure AQ-1*** would implement BAAQMD-recommended best management practices.

Operational Period Emissions

Operational air emissions from the project would be generated primarily from autos driven by future residents and employees. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

CalEEMod allows the user to enter specific vehicle trip generation rates. Therefore, the project specific daily trip generation rate provided by the traffic consultant was entered into the model. The project would produce 1,305 net daily trips after an Internal Capture Reduction and a PassBy Reduction. The market trip percentage was adjusted to 100 percent primary trips in order to capture the traffic report's multiple reductions and not double-count pass-by trips. The daily trip generation was calculated using the size of the project (i.e. dwelling units in the traffic trip generation rate table) and the adjusted total automobile trips. The Saturday and Sunday trip rates were adjusted by multiplying the ratio of the CalEEMod default rates for Saturday and Sunday trips to the default weekday rate with the project-specific daily weekday trip rate. Correspondence with the traffic engineer indicated the many customers that utilize the market would likely walk or take the short drive from the proposed adjacent residential neighborhood or nearby office uses. Therefore, the commercial-customer trip length for the market was adjusted to two miles to capture the short distance nearby customers would travel to utilize the market. The remaining trip lengths were default and default trip types specified by CalEEMod were used. Annual emissions were predicted using CalEEMod and daily emissions were estimating assuming 365 days of operation. Table 5 of the I&R report shows operational daily emissions of ROG, NOX, total PM_{10} and total $PM_{2.5}$ during operation of the project. The operational period emissions would not exceed the BAAQMD significance thresholds.

Energy

CalEEMod defaults for energy use were used, which include the 2016 Title 24 Building Standards. Indirect emissions from electricity were computed in CalEEMod. The model has a default rate of 641.3 pounds of CO2 per megawatt of electricity produced, which is based on PG&E's 2008 emissions rate. However, PG&E published in 2019 emissions rates for 2010 through 2017, which showed the emission rate for delivered electricity had been reduced to 210 pounds CO2 per megawatt of electricity delivered in the year 2017. In addition, Marin Clean Energy (MCE) now provides electricity to 86 percent of Marin County, with 60 percent renewable and 100 percent being

carbon free electricity by 2022. The 2017 CO2 intensity rate provided by MCE was 109 pounds of CO2 per megawatt of electricity delivered. The CO2 intensity rate input into CalEEMod was adjusted to account for 86 percent participation of MCE's rate and 14 percent of PG&E's rate. The computed rate is 123 pounds of CO2 per megawatt of electricity delivered. This rate was used in the I&R model.

Implementation of all feasible control measures, include the following mitigation measures, would reduce potential construction related air quality impacts to a less than significant level.

> **Mitigation Measure AQ-1:** Include measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:
>
> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
> 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
> 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
> 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
> 8. Post a publicly visible sign with the telephone number and person to contact at the City of San Rafael Building Division regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of **Mitigation Measure AQ-1** would be consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines. No further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9, 10, 15)

c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐

Discussion:

Less Than Significant Impact with Mitigation Incorporation. Project impacts related to increased community risk can occur either by introducing a new source of toxic air contaminants (TACs) with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC

impacts. This project would introduce new sources of TACs during construction (i.e. on-site construction and truck hauling emissions) and operation (i.e. mobile sources and emergency generator).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. The project would not include the installation of any emergency generators powered by a diesel engine, which would produce TAC and air pollutant emissions. The project would generate some traffic, consisting of light-duty vehicles. However, the number of net daily trips generated by the project are small (i.e. 1,578 daily trips) and emissions from automobile traffic generated by the project would be spread out over a broad geographical area and not localized. Project traffic was not considered a source of substantial TACs or $PM_{2.5}$. Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC was also assessed in terms of the cumulative risk that includes the project contribution, as well as the risk on the new sensitive receptors introduced by the project.

Operational Community Risk Impacts

The primary community risk impact issue associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of diesel particulate matter (DPM) and fine particulate matter (PM2.5) $PM_{2.5}$.

Highways - U.S. Highway 101

The project site and construction maximally exposed individual (MEI) are located near U.S. 101. A refined analysis of the impacts of TACs and $PM_{2.5}$ to the project site and MEI receptors are necessary to evaluate potential cancer risks and $PM_{2.5}$ concentrations from U.S. 101. A review of the traffic information reported by the California Department of Transportation (Caltrans) indicates that in 2018 U.S. 101 traffic had 191,100 vehicles per day (based on an annual average) with about 4.4 percent trucks, of which 2.0 percent are considered diesel heavy duty trucks and 2.4 percent are medium duty trucks.

This analysis involved the development of DPM, organic TACs, and PM2.5 emissions for traffic on U.S. 101 using the Caltrans version of the CARB EMFAC2017 emissions model, known as CT-EMFAC2017. CT-EMFAC2017 provides emission factors for mobile source criteria pollutants and TACs, including DPM. Emission processes modeled include running exhaust for DPM, $PM_{2.5}$ and total organic compounds (TOG), running evaporative losses for TOG, and tire and brake wear and fugitive road dust for $PM_{2.5}$. DPM emissions are projected to decrease in the future and are reflected in the CT-EMFAC2017 emissions data. Inputs to the model include region (i.e., Marin County), type of road, traffic mix assigned by CT-EMFAC2017 for the county and adjusted for the local truck mix on U.S. 101, year of analysis, and season.

In order to estimate TAC and $PM_{2.5}$ emissions over the 30-year exposure period used for calculating increased cancer risks to the MEI from traffic on U.S. 101, the CT-EMFAC2017 model was used to develop vehicle emission factors for the year 2021 (project construction start year) using the calculated mix of cars and trucks on U.S. 101. Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CT-EMFAC2017. Year 2021 emissions were conservatively assumed as being representative of future conditions over the time period that cancer risks are evaluated (30 years), since, as discussed above, overall vehicle emissions, and in particular diesel truck emissions will decrease in the future. Average daily traffic volumes and truck percentages were based on Caltrans data for U.S. 101. Traffic volumes were assumed to increase 1 percent per year. Average hourly traffic distributions for Marin County roadways were developed using the EMFAC model, which were then applied to the average daily traffic volumes to obtain estimated hourly traffic volumes and

emissions for U.S. 101. For all hours of the day, other than during peak a.m. and p.m. periods, an average speed of 65 mph was assumed for all vehicles on U.S. 101. For 2-hours during the southbound peak a.m. period and the 2-hours during the northbound peak p.m. period, an average travel speed of 30 mph was assumed.

This analysis involved the development of DPM, organic TACs, and $PM_{2.5}$ emissions for future traffic on U.S. 101 and using these emissions with an air quality dispersion model to calculate TAC and $PM_{2.5}$ concentrations at the project construction MEI receptor location.

Project Construction Activity

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of Diesel Particulate Matter (DPM) and $PM_{2.5}$. The closest sensitive receptors to the project site are residents of an apartment building adjacent to the southeastern site boundary, with additional residences in the nearby area surrounding the project site. Dispersion modeling was conducted to predict the offsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Construction Emissions

Construction period emissions were computed using CalEEMod along with projected construction activity, as described above. The CalEEMod model provided total annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on road vehicles, with total emissions from all construction stages of 0.1308 tons (217 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as 0.0093 tons (19 pounds) for the overall construction period.

Dispersion Modeling

Dispersion modeling of TAC and PM2.5 emissions was conducted using the U.S. EPA AERMOD dispersion model, which is recommended by the BAAQMD for this type of analysis. Northbound and southbound traffic on U.S. 101 within about 1,000 feet of the project site was evaluated with the model. Emissions from vehicle traffic were modeled in AERMOD using a series of volume sources along a line (line-volume sources), with line segments used to represent northbound and southbound travel lanes on U.S. 101. The modeling used a five-year data set (2013-2017) of hourly meteorological data from Gnoss Field Airport in Novato prepared by the BAAQMD for use with the AERMOD model. Other inputs to the model included road geometry and elevations, hourly traffic emissions, and receptor location, elevations, and heights. Roadway and receptor elevations were based on USGS National Elevation Data (NED) with a 10-meter resolution. Computed Cancer and Non-Cancer Health Impacts

Predicted Annual $PM_{2.5}$ Concentration

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.51 μg/m3. This maximum annual $PM_{2.5}$ concentration would be above the BAAQMD significance threshold of greater than 0.3 μg/m3. Implementation of ***Mitigation Measure AQ-1*** above would reduce this impact to a level of less than significant.

Non-Cancer Hazards

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.4770 µg/m3. The maximum computed hazard index (HI) based on this DPM concentration is 0.095, which is lower than the BAAQMD significance criterion of a HI greater than 1.0. The project would have a *significant* impact with respect to community risk caused by project construction activities, since maximum cancer risk is above the single-source thresholds of 10.0 per million for cancer risk and the maximum annual $PM_{2.5}$ concentration would be above the BAAQMD significance threshold of greater than 0.3 µg/m3. ***Mitigation measure AQ-1*** above would reduce this impact to less than significant.

Cumulative Community Risk at Project Site

The increased cancer risk calculations were based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences during the entire construction period. The maximum modeled annual $PM_{2.5}$ concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed HI values were based on the ratio of the maximum DPM concentration modeled and the chronic inhalation reference exposure level of 5 µg/m3.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations, which include both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors to find the MEI. Results of this assessment indicated that the MEI most affected by construction was located on the second floor (15 feet above ground) of the closest multi-family residence to the south of the project site. The maximum increased cancer risks, maximum $PM_{2.5}$ concentration, and health hazard indexes from construction at the MEI do not exceed their respective BAAQMD single-source thresholds of greater than 10.0 per million for cancer risk, greater than 0.3 µg/m3 for $PM_{2.5}$ concentration and greater than 1.0 for HI.

The project's community risk from project construction activities would not exceed the maximum increased cancer risk, maximum $PM_{2.5}$ concentration, or HI single-source thresholds.

The cumulative $PM_{2.5}$ concentration exceeds the threshold from existing sources alone. Cumulative risks exceed the $PM_{2.5}$ concentration threshold because of the overwhelming influence of the traffic on the nearby highway (U.S. 101) at the MEI. Even with the best available construction mitigation measures, since the project's unmitigated $PM_{2.5}$ concentration only represents 2 percent of the total mitigated cumulative risk, the incorporation of construction mitigation measures would not make a measurable difference in reducing the cumulative $PM_{2.5}$ concentration and it would still exceed the cumulative threshold. Therefore, the project construction activities would not substantially contribute to the total cumulative $PM_{2.5}$ Concentration and the impact would not be cumulatively considerable.

A properly installed and operated ventilation system with MERV13 filters should achieve reductions of 80 percent to $PM_{2.5}$ exposure. These $PM_{2.5}$ exposures for MERV 13 filtration cases were calculated assuming a combination of outdoor and indoor exposure. For use of MERV 13 filtration systems, without the additional use of sealed, inoperable widows and no balconies, three hours of outdoor exposure to ambient $PM_{2.5}$ concentrations and 21 hours of indoor exposure to filtered air was assumed.

On-site Community Risk Assessment for TAC Sources - New Project Residences

In addition to evaluating health impact from project construction, a health risk assessment was completed to assess the impact that existing TAC sources would have on the new proposed sensitive receptors (senior residents) that the project would introduce. The same TAC sources identified above were used in this health risk assessment.

Highways – U.S. Highway 101

The highway analysis for the new project sensitive receptors was conducted in the same manner as described above for the construction MEI. The project set of receptors placed within the project residential area are spaced every 23 feet (7 meters). Project residential units in the new buildings would be located on all floor levels. Highway impacts were modeled at receptor heights of 5 feet (1.5 meters) and 20 feet (6 meters) representing sensitive receptors on the first and second floors. Project sensitive receptors higher than the second floor would have highway impacts less than those on the second floor. The closest project site residential building is about 300 feet west from U.S. 101.

The maximum impacts occurred at a receptor height of 5 feet (first floor level) at the residential units closest to U.S. 101.. Increased cancer risks at residences on floor levels above the second floor would be less than the maximum cancer risk on the second-floor level. Cancer risks associated with U.S. 101 are greatest closest to US. 101 and decrease with distance from the highway.

Recommended Design Features to Reduce Project Receptor Exposure

Filtration in ventilation systems at the project site would be recommended to reduce the level of harmful pollutants to below the significant thresholds. The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual $PM_{2.5}$ concentration. Exposure to cancer risk and annual $PM_{2.5}$ concentrations from U.S. 101 traffic are above their respective thresholds. Cancer risk is mostly the result of exposure to diesel particulate matter, although, gasoline vehicle exhaust contributes to this effect. Annual $PM_{2.5}$ concentrations are based on the exposure to $PM_{2.5}$ resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. The modeled $PM_{2.5}$ exposure to future residents drives the mitigation plan. Reducing particulate matter exposure would reduce both annual $PM_{2.5}$ exposures and cancer risk.

> **Mitigation Measure AQ-2:** The project shall include the following measures to minimize long-term increased cancer risk and annual $PM_{2.5}$ exposure for new project occupants:
>
> (1) Install air filtration in all of the residential buildings on the project site. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, shall filter all fresh air that would be circulated into the dwelling units.
>
> (2) The ventilation system shall be designed to keep the building at positive pressure when doors and windows are closed to reduce the intrusion of unfiltered outside air into the building.
>
> (3) The project sponsor shall include an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system.
>
> (4) The project sponsor shall include provisions in the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters.

Effectiveness of Recommended Design Features

A properly installed and operated ventilation system with MERV13 would achieve an 80-percent reduction of $PM_{2.5}$ exposure. The overall effectiveness calculations take into account the amount of time spent outdoors and away from home. Assuming that the filtration system is 80-percent effective and the individual is being exposed to 21 hours of indoor filtered air and three hours of outdoor unfiltered air, then the overall effectiveness of a MERV13 filtration

system would be about 70-percent reduction for $PM_{2.5}$ exposure. This would reduce the maximum cancer risk from U.S. 101 to 5.0 in one million and annual $PM_{2.5}$ concentration from U.S. 101 to 0.10 µg/m3. With implementation of ***Mitigation Measure AQ-2*** impacts from U.S. 101 would be below their respective single-source thresholds and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9, 10, 15)

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

Discussion:
No Impact. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. No further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9, 10)

IV. BIOLOGICAL RESOURCES

Would the project:

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

The project applicant contracted the services of Kleinfelder/GANDA to prepare a Biological Technical report in October 2020. Site surveys of the Study Area were conducted on August 20, 2019, by Kleinfelder/GANDA botanist Constance Ganong, M.S. and Kleinfelder/GANDA biologist Sumudu Welaratna, M.S. in order to document the habitat and assess the potential for the occurrence of special-status plant and wildlife species.

Discussion:
Less Than Significant Impact with Mitigation Incorporation. GANDA reviewed background literature to determine the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species. Resources reviewed for sensitive vegetation communities and aquatic features include aerial photography, mapped soil types, the California Native Plant Society (CNPS) Online Database (2020), the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB, CDFW 2020), and wetlands and streams shown on United States Geological Survey (USGS) maps and surrounding riparian vegetation and natural communities.

Based on the literature, database searches and familiarity with the region, nine plant species were initially evaluated for their potential to occur in the Study Area. A plant habitat assessment was conducted on August 20, 2019. No

federal or state listed species were observed or are expected to occur. Of the nine plant species, eight rare plant species were determined to have low or no potential to occur within the Study Area and are not addressed further in this report. One species was determined to have moderate potential to occur and is discussed further below. Table 2 in the GANDA report identifies all special-status plant species that were evaluated, and a discussion of their potential for occurrence is provided there. Appendix B of the GANDA report shows all CNDDB documented occurrences of plant species within two miles of the Project.

Based on the literature review, database searches and familiarity with the region, 17 special status wildlife species were initially evaluated for their potential to occur in the Study Area. A wildlife habitat assessment was conducted on August 20, 2019. Based on the assessment, 16 of these species were considered to have no potential to occur based on a lack of suitable habitat. One species is considered to have low potential to occur within the Study Area, the pallid bat (Antrozous pallidus), a California species of special concern (CDFW 2020b). The trees in the project area, some of which are proposed for removal, may provide suitable roosting habitat for bats. Tree removal associated with the project could lead to injury or death of bats, including pallid bat and western red bat, a potentially significant impact. To reduce impacts to less-than-significant, the project will incorporate pre-construction surveys (Mitigation Measure BIO-1a) prior to initiation of construction activities and implement a twostep removal process if species are found on site.

In addition, although GANDA determined the site has low probability for burrowing owl and American badger, the project site could be considered suitable habitat for these species. The project could result in burrowing owl burrow abandonment, injury or mortality of adults, or loss of wintering owls. Burrowing owls are a California Species of Special Concern (SSC) due to population decline and breeding range retraction. The project site also includes grassland habitat that may be suitable for American badger. Badgers range throughout most of California and can dig burrows in a single day. Although not observed by GANDA during the site reconnaissance, the species could occur on site and could be impacted during project construction activities. Based on the above, the project may potentially significantly impact burrowing owls and American badger. To reduce impacts to less-than-significant, the project will incorporate pre-construction surveys (Mitigation Measure BIO-1b, and BIO-1c) prior to initiation of construction activities and implement a twostep removal process if species are found on site.

One rare plant, congested-headed hayfield tarplant, has moderate potential to occur, and this plant is recognized by the CNPS as rare or endangered in California. It has been given a California Rare Plant Rank (CRPR) of 1B.2. The CNPS CRPR ranking requires review under CEQA, however there is no listing of this species by either the state or federal government. This plant was not observed on site during its blooming season, however another tarplant, hayfield tarplant (Hemizonia congesta), was observed on site which has similar habitat requirements. There are two CNDDB records of this species occurring within two miles of the study area, the more recent in 1994. The project will incorporate a survey (Mitigation Measure BIO-1a) prior to initiation of construction by a qualified botanist for this species during their blooming season (April through November) to ensure these plants are not impacted.

The Project will incorporate the following measures to protect nesting birds during implementation. Tree and shrub removal will be conducted between September 1 and February 14, outside of nesting bird season, to the extent possible. Tree removal between February 15 and August 31 will require a nesting bird survey by a qualified biologist no more than 7 days prior to work occurring. If at any time of the year an active bird nest is observed within or near work sites, work within 50 feet of the observed nest shall cease, care shall be taken not to disturb the nest, and the work supervisor shall contact designated biologist for guidance on how to proceed. A no-work buffer will be implemented by the biologist as appropriate to protect the nest until the young have fledged.

Implementation of the following mitigation measure will ensure impacts would be reduced to less than significant:

Mitigation Measure BIO-1a: The project sponsor shall conduct pre-construction surveys prior to initiation of any construction activities, including the following:

- Rare Plant Survey. Prior to initiation of construction, a qualified botanist will survey for this species during their blooming season (April through November) to ensure these plants are not impacted. If individual plants are located within the development footprint, the qualified botanist will transplant individual plants to an area with the habitat requirements for this species in an area that will remain undisturbed within the Project Area.

- Special-Status Plant Survey and Avoidance. A qualified botanist shall conduct surveys during the appropriate blooming period for all special-status plants that have the potential to occur on or adjacent to the project area prior to the start of ground-disturbing activities and prepare a report documenting survey findings. Habitat adjacent to the project area should be surveyed if the project may have indirect impacts off-site as a result of changes to hydrological conditions or other indirect impacts. More than one year of surveys may be necessary. Surveys and reporting shall be conducted following Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. Surveys shall be submitted to CDFW for review and written acceptance. If special-status plants are found during surveys, the project shall be re-designed to avoid impacts to special-status plants. If impacts to any special-status plants cannot be avoided completely during construction, the project shall provide mitigation including on-site restoration, off-site habitat preservation, or another method accepted in writing by CDFW. The qualified botanist shall be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

- Tree Removal and Migratory Bird Protection. Tree and shrub removal will be conducted between September 1 and February 14, outside of nesting bird season, to the extent possible. Tree removal between February 15 and August 31 will require a nesting bird survey by a qualified biologist no more than 7 days prior to work occurring.

- Active Bird Nest. If at any time of the year an active bird nest is observed within or near work sites, work within 50 feet of the observed nest shall cease, care shall be taken not to disturb the nest, and the work supervisor shall contact designated biologist for guidance on how to proceed. A no-work buffer will be implemented by the biologist as appropriate to protect the nest until the young have fledged.

- Bat Tree Habitat Assessment and Surveys. Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, and suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked and tree trimming or removal shall not proceed unless the following occurs: a) in trees with suitable habitat, presence of bats is presumed, or documented during the surveys described below, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows:

    - the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided; and

- the second day the entire tree shall be removed.

Mitigation Measure BIO-1b: Burrowing Owl Habitat Assessment, Surveys, and Avoidance. Prior to project activities, a habitat assessment shall be performed following Appendix C: Habitat Assessment and Reporting Details of the CDFW Staff Report on Burrowing Owl Mitigation4(CDFW 2012 Staff Report). The habitat assessment shall extend at least 492 feet (150 meters) from the Project site boundary or more where direct or indirect effects could potentially extend offsite (up to 500 meters or 1,640 feet) and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct surveys following the CDFW 2012 Staff Report survey methodology. Surveys shall encompass the project site and a sufficient buffer zone to detect owls nearby that may be impacted commensurate with the type of disturbance anticipated, as outlined in the CDFW 2012 Staff Report, and include burrow surrogates such as culverts, piles of concrete or rubble, and other non-natural features, in addition to burrows and mounds. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report and any passive relocation plan for non-nesting owls shall be subject to CDFW review.

Burrowing Owl Wintering Habitat Mitigation. If the project would impact an occupied burrow (where a non-nesting wintering owl would be evicted as described above), the following habitat mitigation shall be implemented prior to project construction:

- Impacts to each burrow site shall be mitigated by permanent preservation of two occupied burrow sites with appropriate foraging habitat within Marin County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity.

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

Mitigation Measure BIO-1c: American Badger Preconstruction Wildlife Survey. Within one week prior to initiation of construction, a qualified biologist will survey the project area for potential American badger burrows. If potentially occupied burrows are detected, an avoidance buffer will be approved by CDFW, and established to protect the burrow from construction impacts. If a sufficient buffer cannot be established, the biologist will prepare a relocation plan to be approved by CDFW and implemented prior to initiation of construction. If construction is suspended for more than 1 week or is initiated in an area more than 2500 feet from active construction, a new survey will be performed prior to re-starting work or starting work in new areas.

Implementation of ***Mitigation Measure BIO-1*** and ***Mitigation Measure BIO-1b*** and ***Mitigation Measure BIO-1c*** will ensure potential impacts to existing species habitats would be reduced to less than significant and no further mitigation is required.

(Sources: 1, 2, 4, 5, 13)

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

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

Discussion:

Less Than Significant Impact. There are two ephemeral channels or streams identified within the Study Area and both are included and mapped in the National Wetlands Inventory (NWI). GANDA determined the true locations based on the detailed topography layer prepared for the Project using satellite imagery and field observations. No preliminary stream delineation was conducted. The ephemeral drainages are evidenced by the topography in the site, which shows channelization where water periodically flows. There is no significant riparian vegetation associated with these drainages within the Study Area. There are no wetlands present in the Study Area. The Project is designed to avoid direct and indirect impacts to both ephemeral drainages by providing a 25' setback of all structures from the drainages, including bridge footings for the southern drainage which will be placed 25 feet back from the top of the drainage on either side and will not impact the ability of the drainage to move water during rain events. Although the project does not propose activities within the ephemeral drainage, CDFW will require a Lake and Streambed Alteration (LSA) Notification to be submitted pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including but not limited to requirements for ephemeral stream and riparian habitat impacts. The LSA Notification requirement will be incorporated as condition of approval during project approvals. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 4, 5, 13)

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

Discussion:

Less Than Significant Impact. See **Section IV(b)** above. GANDA concluded that no riparian vegetation or potential wetlands are located within the Study Area. Additionally, the drainageways are unlikely to support any sensitive plant or wildlife species due to absence of suitable habitat. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 4, 5, 13)

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

Discussion:

Less Than Significant Impact. As discussed in **Section IV(c)** above, there is no suitable habitat in the drainageways. The Project is designed to avoid direct and indirect impacts to two both drainages by providing a 25' setback of all structures from the drainages. As such, the proposed project would not interfere substantially with migratory wildlife corridors. As discussed above in **Section IV(a)** above, if construction activities commence during the nesting season, a pre-construction survey will be required to prevent impacts to migratory or nesting birds.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

Therefore, the impacts to migratory species or nursery sites would be considered less than significant, and no mitigation is required.

(Sources: 1, 2, 4, 5, 13)

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

Discussion:

Less Than Significant Impact. GANDA surveyed the project site as part of the site evaluation conducted in August 2019. The most abundant tree species throughout the parcels are coast live oak, valley oak, and California black oak. Some California bay, California buckeye (Aesculus californica), stone pine (Pinus pinea) and Australian blackwood (Acacia melanoxylon) are scattered throughout the parcels. Per the arborist report prepared for this Project there are 285 trees within the Study Area (Kleinfelder/GANDA 2020). The development is anticipated to require the removal of approximately 55 trees. The project may also trim or encroach upon additional trees to maintain the required 12-foot firebreak zone around the developed areas. The landscaping within the development proposes to include native trees. A vegetation management plan and landscaping plans will be provided for review by the City of San Rafael. The Project anticipates incorporating all recommendations provided during the permitting phase by the City with regards to landscaping and maintenance of existing vegetation. The development has been designed to reduce the footprint required to provide 192 units of housing with associated recreational opportunities and provide a 12-foot firebreak with an approximately 6.4 acres footprint. The removal of native trees has been minimized, and the landscaping will attempt to replacement of some of these removed trees. The City of San Rafael does not have an adopted tree preservation policy or ordinance. Tree removal and replacement is evaluated through the City's Environmental and Design Review Permit Review Criteria (SRMC Section 14.25.050.G). The proposed project includes removal of 55 existing mature landscape trees on site but includes 210 replacement trees throughout the project site. For these reasons, the impact would be considered less than significant, and no further mitigation would be required.

(Sources: 1, 2, 4, 5, 13)

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

Discussion:

No Impact. The City of San Rafael does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan that apply to the site. There are no regional or state habitat conservation plans that apply to the area. Therefore, there is no impact, and no mitigation is required.

(Sources: 1, 2, 4, 5, 13)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

V. CULTURAL RESOURCES

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒

Kleinfelder/GANDA prepared a cultural resources inventory pursuant to CEQA and local City of San Rafael regulations. A records search was conducted at the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University of previously recorded archaeological sites and studies within a 0.25-mile radius surrounding the Project Area. A request was sent to the Native American Heritage Commission for a Sacred Lands File search and list of Native American contacts who may have knowledge of cultural resources in the Project vicinity. Letters were sent to the Native American contacts with a Project description and maps of the Project location. Archival research and a historic map review of the Project Area were conducted. The City of San Rafael archaeological sensitivity map was reviewed, and an in-house buried site sensitivity analysis was conducted to assess the potential for buried prehistoric archaeological resources. Finally, a pedestrian survey of the Project Area was conducted on June 8, 2021, to identify cultural resources and further assess the sensitivity for buried archaeological deposits.

Discussion:
No Impact. No prehistoric or historic-era resources were identified during the survey. Disturbances include a few tents with scattered debris from homeless individuals occupying the Project Area, and scattered modern trash, including plastic water bottles, and beer bottles and cans. On the eastern edge of the Project Area a pit measuring 10 by 12 feet and 3 feet deep is excavated into a rocky knoll but is filled with modern trash dating to the 1980s. As such, the proposed project would have no significant impact on any historical resource and no mitigation is required

(Sources: 1, 2, 3, 4, 5, 12, 16, 17, 27, 28)

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

Discussion:
Less Than Significant Impact with Mitigation Incorporation: The results of the cultural resources inventory determined that the Project has low potential to impact significant cultural resources that may be eligible for inclusion in the California Register of Historic Resources (CRHR), and no additional cultural resources work is recommended.

However, although construction of the proposed project would have no impact on known archaeological resources, there is a possibility that previously unidentified archaeological resources and subsurface deposits are present within the project area. If present, excavation, grading, and movement of heavy construction vehicles and equipment could expose, disturb or damage any such previously unrecorded archaeological resources. Because the possibility of encountering archaeological resources during construction cannot be completely discounted, the impact related to the potential disturbance or damage of previously undiscovered archaeological resources, if present, could be significant.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

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

Implementation of ***Mitigation Measure CULT-1*** (Protect of Archaeological Resources Identified during Construction) would reduce impacts on any previously unrecorded and buried archaeological resources to less-than significant-levels by requiring the Project proponent and its contractors to adhere to appropriate procedures and protocols for minimizing such impacts, in the event that a possible archaeological resource is discovered during construction. Following construction, operation of the proposed project would not result in further ground disturbance within the Project area. Therefore, no operational impacts to archaeological resources would occur.

Impacts to previously unidentified archaeological resources within the project area would be reduced to a less-than-significant level and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12, 16, 17, 27, 28)

c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion:

Less Than Significant Impact with Mitigation Incorporation: See discussion in V(b) above (as well as Section XVIII Tribal below). There are no formal cemeteries or known interred human remains within the Project area or on the subject site. No evidence of human remains was identified within the project area. However, the potential for their presence cannot be entirely ruled out. Construction-related excavation could expose and disturb, or damage previously undiscovered human remains.

Therefore, to reduce the potential disturbance of unknown human remains during construction to less than significant levels, the following mitigation measure is proposed:

Mitigation Measure CULT-2: Protect Human Remains Identified During Construction: The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

Mitigation Measure CULT-2 would be implemented during project construction to minimize potential impacts on any buried human remains and associated or unassociated funerary objects that may be accidentally discovered during construction activities to less-than-significant levels by requiring the Project proponent and its contractors to adhere to appropriate excavation, removal, recordation, analysis, custodianship, and final disposition protocols. Therefore, implementation of ***Mitigation Measure CULT-2*** would reduce this potential impact on buried human remains to less than significant and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12, 16, 17, 27, 28)

VI. ENERGY

Would the project:

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

Discussion:

Less Than Significant Impact: Short-term energy demand would result from construction activities occurring as a result of construction. Short- term demand would include energy needed to power worker and vendor vehicle trips as well as construction equipment. Long-term energy demand would result from operation of the project, which would include activities such as lighting, heating, and cooling of structures.

Although implementation of the project would result in an increase in energy usage compared to current conditions due to the new structures on the project site, the increase in energy use would not be wasteful nor inefficient because of measures incorporated into project design, including energy-efficient building design meeting CALGreen requirements. While no solar power is proposed as part of this project, all townhome units (and to the extent practicable, all stacked flats) will be provided with pre-wiring for PV rooftop solar systems. Also, all garages will be provided with 220-volt power points suitable for EV charging.

In order to meet the reduction targets, new construction projects must be determined to be consistent with the GHG Emissions Reduction Strategy. A checklist has been developed to be used in reviewing new development applications, to ensure that GHG reduction measures are incorporated into the project design and operation. Project compliance with the measures in the checklist would exempt individual, quantitative study of GHG emissions for an individual development project. Development projects that are not able to meet the standards in the checklist, or projects that propose an amendment to the recently adopted San Rafael General Plan 2040 (e.g., a change in land use that results in changes to the projections used in the strategy) would require an individual, quantitative GHG emissions assessment. The project proposes land uses that are permitted by the San Rafael General Plan. Therefore, the project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation is required.

(Sources*: 1, 2, 3, 5, 11, 15, 18, 19)*

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

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

(Sources*: 1, 2, 3, 5, 11, 15, 18, 19*)

VII. GEOLOGY AND SOILS

Would the project:

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

The project applicant contracted the services of Miller Pacific Engineering Group (MPEG) from Novato, CA, to evaluate the subsurface conditions at the site and prepare geotechnical recommendations for the proposed new parking structure and roadway widening associated with potential mitigation that may be required for the proposed project. The MPEG Preliminary Geotechnical Exploration report prepared on December 7, 2020 provides geotechnical recommendations and design criteria related to building foundations, site grading, retaining walls, seismic design, and other geotechnical-related items and evaluations for relevant geologic hazards including seismic shaking, settlement, slope instability and other hazards. The report summarizes subsurface exploration, evaluation of relevant geologic hazards, and preliminary geotechnical recommendations and design criteria.

Discussion:
Less than Significant Impact: The subject site is located within the tectonically active and geologically complex northern Coast Ranges but is not mapped within an Alquist-Priolo Earthquake Fault Zone. The northern Coast Ranges were segmented into a series of tectonic blocks separated by major faults including the San Andreas, Rodgers Creek, Hayward, and Calaveras. Under the Alquist-Priolo Earthquake Fault Zoning Act, the California Division of Mines and Geology (now known as the California Geological Survey) produced 1:24,000 scale maps showing known active and potentially active faults and defining zones within which special fault studies are required. The nearest known active fault to the site is the San Andreas Fault located approximately 16.4 kilometers to the southwest. In the event of a major earthquake in the Bay Area, the site may be susceptible to seismic shaking and related ground failure. However, surface rupture is highly unlikely at this site since no active faults are known to cross the project site and the site is not located within the Alquist-Priolo Earthquake Fault Zone. Therefore, the impact is considered less than significant, and no mitigation is required.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

(Sources: 1, 2, 3, 4, 5, 7, 21)

ii) Strong seismic ground shaking? ☐ ☒ ☐ ☐

Discussion:

Less Than Significant Impact with Mitigation Incorporation: The site will likely experience seismic ground shaking similar to other areas in the seismically active Bay Area. The intensity of ground shaking will depend on the characteristics of the causative fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Estimates of peak ground accelerations are based on either deterministic or probabilistic methods. Deterministic methods use empirical attenuation relations that provide approximate estimates of median peak ground accelerations. The calculated accelerations should only be considered as reasonable estimates. Many factors (e.g., soil conditions, orientation to the fault, etc.) can influence the actual ground surface accelerations.

MPEG calculated the peak ground acceleration for two separate probabilistic conditions; the two percent chance of exceedance in 50 years (2,475-year statistical return period) and the ten percent chance of exceedance in 50 years (475-year statistical return period). The peak ground acceleration values were calculated utilizing the USGS Unified Hazard Tool.

Ground shaking can result in structural failure and collapse of structures or cause non-structural building elements (such as light fixtures, shelves, cornices, etc.) to fall, presenting a hazard to building occupants and contents. Compliance with provisions of the most recent version of the California Building Code (2019 CBC) should result in structures that do not collapse in an earthquake. Damage may still occur, and hazards associated with falling objects or non-structural building elements will remain. The potential for strong seismic shaking at the project site is high. Due to their proximity and historic rates of activity, the San Andreas and Hayward Faults present the highest potential for severe ground shaking. The significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements. Therefore, to reduce the potential impacts related seismic shaking to less than significant levels, the following mitigation measure is proposed:

> **Mitigation Measure GEO -1:** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum recommendations include design of new structures in accordance with the provisions of the 2019 California Building Code or subsequent codes in effect when final design occurs. Final project design shall be consistent with the recommended seismic design coefficients and spectral accelerations are presented in the findings presented in Section 5.1 of the December 7, 2020 MPEG report.

Implementation of ***Mitigation Measure GEO-1*** will reduce potential impacts to less than significant levels and no further mitigation measures will be required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

iii) Seismic related ground failure, including liquefaction? ☐ ☒ ☐ ☐

Discussion:

Less Than Significant Impact: Liquefaction refers to the sudden, temporary loss of soil strength during strong ground shaking. The strength loss occurs as a result of the build-up of excess pore water pressures and subsequent

reduction of effective stress. While liquefaction most commonly occurs in saturated, loose, granular deposits, recent studies indicate that it can also occur in materials with relatively high fines content provided the fines exhibit lower plasticity. The effects of liquefaction can vary from cyclic softening resulting in limited strain potential to flow failure which cause large settlements and lateral ground movements.

Based on the subsurface exploration performed by MPEG, the project site is underlain by a relatively thin layer of clayey soils over shallow Franciscan bedrock which are not susceptible to liquefaction. Furthermore, as indicated on the Marin Map GIS online mapping tool and the liquefaction hazard susceptible map regenerated by Association of Bay Area Governments (ABAG) based on the United States Geological Survey (USGS), the site is located in an area with low liquefaction potential. Therefore, the impacts related to seismic ground failure, including liquefaction are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

iv) Landslides? ☐ ☐ ☒ ☐

Discussion:

Less Than Significant Impact with Mitigation Incorporation. Geotechnical investigations were completed by Salem Howes Associates Inc. for a previous planned development (Salem Howes, 1998 and 1999). These investigations included excavating seventeen test pits and four exploratory borings near the planned improvements and included subsurface exploration and laboratory testing data. The report and findings are presented in Appendix B of the MPEG report. MPEG conducted an aerial photo review for the site using the photos hosted by Netronline Historic Aerials website and Google Earth and determined that between 1987 and 1993, there appears to be evidence of a landslide on the northern portion of the property. This finding is consistent with the Salem Howes report which indicated surficial landsliding and not greater than a depth of five feet below the surface.

The development will be located on a hillside which is locally inclined as steeply as about 2:1 but has an average slope of 3:1. Based on aerial photo/topo review, reconnaissance, and exploration, MPEG concluded there are areas of probable previous instability within the Project area. The depth of this probable instability is likely less than 10 feet. In other areas of the site, the surface soils are mapped as "creeping" and are prone to soil creep, occasional shallow sloughing, and debris flows in drainage channels which could result in debris impact to the rear of the structures. Deep excavations into the hillside can induce slope instability. Building plans would be required to comply with The Uniform Building Code (UBC) and the California Building Code (CBC) for earthquake-resistant design parameters. This would include designing the foundations to account for minor settlements and lateral ground movements due to possible lurching.

The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address landsliding related to soil instability:

> **Mitigation Measure GEO-2:** Supplemental exploration with exploratory trenches and geology site inspection/mapping further upslope shall be performed to better evaluate the potential for instability. Most of the suspected areas of instability within the site will be removed as part of the planned excavation and building construction. Undeveloped areas of instability within the project site should be over-excavated, subsurface drainage installed, and backfilled with engineered fill. Global stability of the site should be checked as part of building wall design. Debris catchment structure or deflection wall/berm may be needed upslope of the planned buildings if debris flow paths cross planned structures. Final project design shall be consistent with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.

Design level Incorporation of ***Mitigation Measures GEO-1, GEO-2*** would reduce the potential impacts to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

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

Discussion:

Less Than Significant Impact with Mitigation Incorporation. Sandy soils on moderate slopes or clayey soils on steep slopes are susceptible to erosion when exposed to concentrated surface water flow. Sandy soils on most slopes or clayey soils on steep slopes are susceptible to erosion when exposed to concentrated surface water flow. The potential for erosion is increased when established vegetation is disturbed or removed during normal construction activity. The proposed Project includes improvements that will cover much of the Project Area with new buildings, pavements, or concrete flatwork. Significant erosion is generally not anticipated within these areas. Drainage channels within the relatively steeply-sloping terrain show some active erosion, including gullies, localized small sloughs and raveling along the channel banks.

Project development would cover approximately 5.4 acres of the site with the proposed structures and landscaping improvements. As proposed, the civil plans collect surface water into a storm drain system to temporary retention systems onsite and into the City storm drainage system. Erosion control measures during and after construction would be required to conform to the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards. Conditions of approval would be included in project approvals requiring adherence to the various local and regulatory agencies permitting procedures.

The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address issues of topsoil erosion:

> **Mitigation Measure GEO-3:** Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. Planned improvements or structures on shallow foundations should be setback from the unimproved drainage channel. The recommended setback distance is a 3:1 inclination from the channel bed or 10 feet from top of bank, whichever is greater. The site drainage system shall be designed to collect surface water from the maximum credible rainfall event and discharging it into an established storm drainage system. The project Civil Engineer is responsible for designing the site drainage system.
>
> In addition, an erosion control plan shall be developed prior to construction per the current guidelines of the California Stormwater Quality Association's Best Management Practice Handbook. Additionally, regular monitoring of the upslope areas shall be performed, particularly during and following periods of heavy rainfall. Regular maintenance of upslope areas should also be performed and should include maintaining vegetative cover on slopes, clearing debris from the v-ditches and drain inlets, and promptly repairing any erosion or shallow instabilities that occur. Final project design shall be consistent with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.

Implementation of ***Mitigation Measure GEO-3*** will reduce impacts from loss of soil or topsoil erosion to a less than significant level and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on, or off, site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐

Discussion:

Less Than Significant Impact with Mitigation Incorporation. The project site is not currently within the State of California Special Study Zones. The MPEG study describes soil instability due to steep inclines present on the subject property. Lateral spreading and earthquake-induced landsliding involve lateral ground movements caused by seismic shaking. These lateral ground movements are often associated with a weakening or failure of an embankment or soil mass overlying a layer of liquefied sands or weak soils. The soil rides on top of the liquefied layer. Lurching and associated ground cracking can occur during strong ground shaking. The ground cracking generally occurs along the tops of slopes where stiff soils are underlain by soft deposits, or along steep slopes or channel banks. These conditions do not exist at the site, therefore the risk of lurching and ground cracking at the project site is low

The development will be located on a hillside which is locally inclined as steeply as about 2:1 but has an average slope of 3:1. Based on aerial photo/topo review, reconnaissance, and exploration, MPEG concluded there are areas of probable previous instability within the Project area. The depth of this probable instability is likely less than 10 feet. In other areas of the site, the surface soils are mapped as "creeping" and are prone to soil creep, occasional shallow sloughing, and debris flows in drainage channels which could result in debris impact to the rear of the structures. Deep excavations into the hillside can induce slope instability. Building plans would be required to comply with The Uniform Building Code (UBC) and the California Building Code (CBC) for earthquake-resistant design parameters. This would include designing the foundations to account for minor settlements and lateral ground movements due to possible lurching.

Implementation of **Mitigation Measure GEO-2** will ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address soil instability: Furthermore, design level Incorporation of ***Mitigation Measures GEO-1, GEO-2*** *and* ***GEO-3*** would reduce the potential impacts to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

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

Discussion:

Less Than Significant Impact with Mitigation Incorporation. Soil expansion occurs when clay particles interact with water causing seasonal volume changes in the soil matrix. The clay soil swells when saturated and then contracts when dried. Expansive soils change in volume with changes in moisture. These soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavement, and structures founded on shallow foundations. It is imperative that exposed soils be kept moist prior to placement of concrete for foundation construction. This phenomenon generally decreases in magnitude with increasing confinement pressures at increasing depths. These volume changes may damage lightly loaded foundations, concrete slabs, pavements, retaining walls and other

improvements. Expansive soils also cause soil creep on sloping ground. Laboratory testing on the near-surface soils indicate variable expansion potential. Plasticity Indexes (PI) on several samples tested were less than 20 (low plasticity), but one sample measured Expansion Index (EI) of 95 (medium-high). Expansion tests on the bedrock yielded an EI of 59 (medium expansion potential). Thus, there is a medium potential for damage due to expansive soils. MPEG provided preliminary grading recommendations for compaction of clay soil at the site. The preliminary recommendations will ensure reduction of swell potential of the clay by compacting the soil at a high moisture content and controlling the amount of compaction. The following mitigation measure is included to ensure that the recommendations of the final geotechnical report are incorporated into the project design plans to address issues of expansive soils:

> **Mitigation Measure GEO-4:** Soils subgrades and fills shall be moisture conditioned above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Retaining structures shall be designed with a soil creep load where walls retain sloping ground. Foundations shall be designed to account for some expansive soil movement. Final project design shall be consistent with the recommended findings presented in Chapter 5 of the December 7, 2020 MPEG report.

Incorporation of ***Mitigation Measures GEO-1, GEO-2,*** *and* ***GEO-4*** would reduce the potential impacts to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 21)

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion:
No impact. No septic tanks would be used as part of the proposed project. The project will be required to connect to the existing Las Gallinas Valley Sanitation District sanitary sewer. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed project's implementation.

(Sources: 1, 2, 3, 4, 5, 7, 21)

f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐

Discussion:
Less Than Significant Impact with Mitigation Incorporation: The proposed project includes near-surface ground-disturbing activities, such as grading and trenching for construction of new buildings, and various site improvements for landscaping, pathways, lighting, parking, and utilities. Although the project site is inclined and does not contain a unique geologic feature, paleontological resources could be encountered when excavation occurs in previously undisturbed soil and bedrock. As discussed above, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval.

The implementation of ***Mitigation Measure GEO-5***, which requires that excavation activities be halted should a paleontological resource be encountered and the curation of any substantial find, would reduce this impact to a less-than significant level.

> **Mitigation Measure GEO-5:** Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.
>
> If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.
>
> The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:
>
> > "The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

(Sources: 1, 2, 3, 4, 5, 7, 21)

VIII. GREENHOUSE GAS EMMISSIONS

Would the project:

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

The project sponsor contracted with Illingworth & Rodkin (I&R) to prepare an Air Quality Assessment in November 2020. I&R also evaluated Greenhouse gas (GHG) conditions in the vicinity of the project site pursuant to the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines (BAAQMD, 2017), and the City of San Rafael has a Climate Change Action Plan, adopted in May 2019.

Discussion:

Less Than Significant Impact. Climate change refers to change in the Earth's weather patterns, including the rise in temperature due to an increase in heat-trapping GHGs in the atmosphere. In 2016, the California Air Resources Board (CARB) estimated that transportation was responsible for about 39 percent of California's GHG emissions, followed by industrial sources at about 21 percent and electrical power generation at about 16 percent (CARB, 2018). In 2015, 85 million metric tons of CO2e were emitted from anthropogenic sources within the San Francisco Bay Area Air Basin (SFBAAB). Emissions of CO2 dominate the GHG inventory in the SFBAAB, accounting for about 90 percent of the total CO2e emissions reported (BAAQMD, 2017).

BAAQMD Climate Protection Program

The BAAQMD is the regional government agency that regulates sources of air pollution within the nine Bay Area counties. The BAAQMD established a climate protection program to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin (SFBAAB). The climate protection program includes measures that promote energy efficiency, reduce VMTs, and develop alternative sources of energy, all of which assist in reducing emissions of GHGs and in reducing air pollutants that affect the health of residents. The BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD 2017 Clean Air Plan

The BAAQMD and other air districts prepare clean air plans in accordance with the state and federal Clean Air Acts. In April 2017, the BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP), which is a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and ambient concentrations of harmful pollutants. The 2017 CAP also includes measures designed to reduce GHG emissions.

City of San Rafael Climate Action Plan

The City of San Rafael has a Climate Change Action Plan, adopted in May 2019, that established the goal and measures to reduce greenhouse gas emissions 19% below 1990 levels by 2020 (equivalent to 31% below 2005 levels), and 42% below 1990 levels by 2030, which is enough to surpass the City and State goals for those years. However, the Plan does not have a specific metric ton GHG threshold for project-level construction or operation. Therefore, the BAAQMD's CEQA Air Quality Guideline's thresholds are used.

City of San Rafael Green Building Ordinance

In January 2014, the City of San Rafael updated its Green Building Ordinance to comply with the State's CALGreen Code for new residential and non-residential development projects. All newly constructed residential and non-residential buildings must be designed to include the green building measures specified as mandatory in the CALGreen Code and detailed in the application checklists.

BAAQMD Thresholds of Significance

The screening criteria developed for criteria pollutants and precursors, and greenhouse gases were derived using The BAAQMD's CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified GHG reductions plan (i.e., a Climate Action Plan). The plan has to address emissions associated with the period that the project would operate (e.g., beyond year 2020). For quantified emissions, the guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate.

Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.8 MT CO2e/year/service population and a bright-line threshold of 660 MT CO2e/year based on the GHG reduction goals of EO B-30-15. The service population metric of 2.8 is calculated for 2030 based on the 1990 inventory and the projected 2030statewide population and employment levels. The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO2e/year threshold. Evidence published by the State indicates the AB 32 goal of reducing statewide GHG emissions to 1990 levels was met prior to 2020. Current State plans are to further reduce emissions to 40% below 1990 levels by 2030. Assuming statewide emissions are at 1990 levels or lower in 2020, it would be logical to reduce the BAAQMD recommended threshold for meeting the AB 32 threshold by 40% to develop a threshold for 2030.

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

CalEEMod Modeling

CalEEMod was used to predict GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model, as described above within the operational period emissions. CalEEMod output is included in Attachment 2 of the I&R report.

Service Population Emissions

The project service population efficiency rate is based on the number of future residents and employees. For this project, the number of future residents was estimated by multiplying the total number of units (e.g. 192 units) by the persons per household rate for the City of San Rafael found in the California Department of Finance Population and Housing Estimate report. Using the 2.49 person per household 2019 rate, the number of futures residents was estimated to be 478 residents. According to the project applicant, there would be three future employees working at the proposed market. The estimated total service population was 481 and this was used to calculate the per capita emissions.

Construction Emissions

GHG emissions associated with construction were computed to be 617 MT of CO2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed project. I&R calculated the annual

emissions resulting from operation of the proposed project are predicted to be 1,322 MT of CO2e in 2023 and 1,178 MT of CO2e in 2030. The service population emission for the year 2023 and 2030 are predicted to be 2.7 and 2.5 MT/CO2e/year/service population, respectively.

To be considered an exceedance, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold in the future year of 2030. The project would exceed the annual emissions bright-line threshold of 660 MT CO2e/year in 2030 but would not exceed the per service population threshold of 2.8 MT of CO2e/year/service population in 2030. Therefore, the project would not be in exceedance for GHG emissions, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 11, 15, 18, 19)

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

Discussion:
Less Than Significant Impact: As discussed above, the proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan nor would the project conflict with SB 100 goals. For example, proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficacy standards

(Sources: 1, 2, 3, 4, 5, 6, 11, 15, 18, 19)

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Discussion:
Less Than Significant Impact: The major transportation route in proximity to the project site is US Highway 101 to the east of the subject property. Los Gamos Drive is a north-south road connecting the Project site to Lucas Valley Road a major east-west arterial to the north. Surrounding land uses mainly consist of office and commercial uses, open spaces, and medium to low density residential. Transportation accidents involving hazardous materials could occur on Highway 101 or Los Gamos Drive which provides access to the project site. However, the proposed project includes development of 192 residential units and there are no nearby facilities that routinely use hazardous materials. No hazardous materials would be included in the construction or long-term use of the project. Use of the subject property is not expected to transport, use, or dispose of significant amounts of hazardous materials. Hazardous materials would be limited to those associated with property maintenance including common landscaping fertilizers, pesticides, paint, solvent, and petroleum products. These materials would be used in limited quantities and are not considered a significant hazard to the public.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

Hazardous materials such as diesel, maintenance fluids, and paints would be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of the construction a new residential buildings and associated parking and access roads which would not be expected to use any substantial quantities of hazardous materials. Therefore, it would not be reasonable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environment. Impacts would be considered less than significant.

(Sources: 1, 2, 3, 4, 5, 6, 7, 8, 15, 18)

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

Discussion:
Less Than Significant Impact. Development and use of the subject property would be primarily residential in nature, with a small commercial use, and neither use would typically upset or release hazardous materials into the environment. As discussed in **Section IX(a)** above, hazardous materials would be limited to those associated with property maintenance including common landscaping fertilizers, pesticides, paint, solvent, and petroleum products. These materials would be used in limited quantities and are not considered a significant hazard to the public. Potential impacts associated with the proposed project are, therefore, considered less than significant and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 7, 8, 15, 18)

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

Discussion:
Less Than Significant Impact. As discussed in **Section IX(a)** and **(b)** above, the proposed project involves construction of 192 new residential units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces on a previously undeveloped property. As a vacant lot, there are no uses that include hazardous emissions or hazardous materials on site. The nearest school, Vallecito Elementary School, is located approximately 3/4 -mile to the southeast in Terra Linda. Terra Linda High School is approximately one mile west of the project site. A children's daycare, Bright Horizons, and a private school, Fusion Academy are located approximately 1,500 feet north, on the east side of Los Gamos Drive. The Oakville Preschool is located approximately 1,800 feet to the northwest. As a primarily residential development and use, there would be no hazardous emissions or the handling or hazardous or acutely hazardous substances or waste. Some hazardous materials could be used in the daily maintenance of the subject property, but not in quantity considered hazardous to sensitive receptors. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 7, 8, 15, 18)

d. Be located on a site which is included on a list of hazardous materials sites compiled	☐	☐	☐	☒

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Discussion:
No Impact: The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

(Sources: 1, 2, 3, 4)

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒

Discussion:
No impact. The project site is not located within an airport land use plan. However, there are two airports within approximately one (1) mile and nine (9) miles of the project site within Marin County. The nearest general aviation airport is the private Marin Ranch/San Rafael Airport located at 400 Smith Ranch Road in San Rafael, approximately one mile east of the subject property. Marin County Airport at Gnoss Field is located at 351 Airport Road in the City of Novato, approximately nine miles north of the subject property. The project area is not within the safety zones (or Comprehensive Land Use area) of either airport. The project site is not located within an airport land use plan, nor within 2 miles of a public airport or public use airport. Therefore, no impact would result from implementation of the project and as such, no mitigation measures are required.

(Sources: 1, 2, 3, 4)

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion:
No impact. The proposed project would not impair or physically interfere with an adopted emergency response or evacuation plan because the project does not include any actions that would interfere with emergency response and evacuation plan policies adopted by the City or other emergency agency responsible for emergency preparedness. The proposed project would be consistent with the General Plan and Zoning Ordinance in terms of the types of land uses, including residential uses. The proposed project has been reviewed by City Departments, including Public Works, Fire, and Police and responsible agencies. The project has been reviewed by the City of San Rafael Fire Prevention Bureau and no concerns have been raised about the City's ability to provide continuing services to the project site nor that it would interfere with and adopted emergency response or evacuation plan. There would be no impact.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

(Sources: 1, 2, 3, 4, 5, 6, 7, 8, 15)

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

Discussion:
Less Than Significant Impact: The subject property is located within the City's Wildland-Urban Interface (WUI) zone. The project includes design features that address potential fire related concerns including access and egress and sprinklers and a vegetation management plan and proposed fuel breaks around the new development. The proposed project has been reviewed by City Departments, including Public Works and Fire, and no concerns have been raised about exposing people or structures to significant risk or loss, injury or death involving wildland fires. For these reasons, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 7, 8, 15)

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

Discussion:
Less Than Significant Impact with Mitigation Incorporation. The proposed project includes development of 192 residential units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces on previously undisturbed areas. The proposed project will also include landscaping including irrigation and site drainage. To minimize water quality impacts associated with the proposed project, construction activities would be required to comply with a Storm Water Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). Additionally, the proposed project would also implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment.

Construction Activities
Development activities would involve, grading, tree removal, construction, and paving. During these activities, there would be the potential for surface water runoff from construction sites to carry sediment and pollutants into stormwater drainage systems and local waterways, including the existing drainages adjacent to the project site. Grading and the exposure of shallow soils related to grading could result in erosion and sedimentation. The accumulation of sediment could result in the blockage of flows, potentially causing increased localized ponding or flooding. Construction activities would require the use of gasoline and diesel- powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction. An accidental release of any of these substances could degrade the quality of the surface

water runoff and adversely affect receiving waters. To ensure potential impacts for construction activities do not violate any water quality standards or west discharge requirements, the following mitigation measure is required:

> **Mitigation Measure HYDRO-1:** Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:
>
> 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled.
> 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated.
> 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary.
> 4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
> 5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

The SWPPP/ESCP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate, depending on the project risk level, sampling of site effluent and receiving waters. A QSD shall be responsible for implementing the BMPs at the project site. The QSD shall also be responsible for performing all required monitoring, BMP inspection, maintenance and repair activities, and reporting.

Operational Phase

The development of new impervious surfaces on the project site could result in the discharge of associated pollutants. Runoff from new landscaped areas may contain residual pesticides and nutrients, and occupants of the building and associated foot traffic could increase the amount of trash and debris entering the stormwater drainage system.

> **Mitigation Measure HYDRO-2**: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:
>
> 1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.
> 2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.
> 3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.

4) Funding for long-term maintenance of all BMPs shall be specified.

Implementation of mitigation measures ***Mitigation Measures HYDRO-1*** and ***HYDRO-2*** would ensure that development activities associated with the proposed project would not result in the discharge of pollutants or impact water quality of standards during construction activities and the ongoing operations of the project site. The potential impacts would be considered less than significant, and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 8, 15, 20, 22, 23, 26)

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

Discussion:

Less Than Significant Impact: The project is located within the Marin Municipal Water District (MMWD) and would utilize domestic water provided by the MMWD. The subject parcels are not currently being served and do not meet the conditions for MMWD service which state in part: "the property must be fronted by a water main; the structure must be within 125 feet of the water main." MMWD has stated that water service to this property will require a pipeline extension from the end of the District's existing facilities. The applicant must enter a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors.

If approved, the proposed project would be connected to the MMWD infrastructure and would not require using groundwater for water service. MMWD has reviewed the project plans and provided their comments in a letter to the City with the finding that there is adequate water supply to service the proposed project. Given that the site is not served for, and the project is proposing 192 residential units in five buildings, along with a 2-story mixed-use building, MMWD will require a pipeline extension from the end of their District's existing facilities and a pipeline extension agreement between the project sponsor and the MMWD and approved by the MMWD Board of Directors. All constructions activities would be paid for by the applicant/sponsor. There are no active wells at the site and the proposed project would have no impact upon groundwater recharge given that the site is fully developed.

Since the new structures will create new development areas, including surface parking and paved areas, there will be a new amount of impervious surface area post construction. As discussed in response **Section X(a)** above, surface run off would be governed by a SWPPP, including minimum BMP standards as required by the RWQCB and City of San Rafael Municipal Code. Furthermore, construction level designs would be required to meet Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards and regulations for storm water runoff as required by the City of San Rafael. As such, the proposed project would not interfere substantially with ground water recharge. For these reasons, the potential impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 8, 15, 20, 22, 23, 26)

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. See **Section X(a)** above. The design and construction of new improvements are subject to review by the City Engineer and Department of Public Works and are subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). The project requires a water quality certification from the RWQCB for the discharge to waters of the US and State of California associated with the construction of the new residential townhomes. City building permit standard requirements also include the submission of an erosion control plan, which includes the measures that would be taken to prevent loose dirt and soil from entering into San Francisco Bay. Implementation of standard requirements from the City of San Rafael, MCSTOPPP, and RWQCB would ensure that the project does not violate any water quality standards or impair water quality. No improvements are proposed within the adjacent drainages that would redirect stream flows. Because the proposed project would not alter any existing streams or drainage patterns, and surface water runoff is controlled onsite, potential impacts from erosion or siltation are considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 8, 15, 20, 22, 23, 26)

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

Discussion:
Less Than Significant Impact: The new development will introduce areas of new development including surface parking and structures on a previously undisturbed site. The project design, prepared by Tarnoff Engineering Corporation, includes stormwater management utilizing bioretention areas which would result in peak stormwater flow rates from the site maintained in the proposed condition. The bioretention areas have been designed to account for enough storage volume to attenuate peak flows on and from the site. As such, the proposed project would not result in flooding on- or off-site.

It is required by Marin County and the City of San Rafael that the proposed development would not increase the discharged storm drain peak flow and volume. Because the site is currently vacant, development of the site with the proposed project would require attenuating the flow and volume of storm drain run-off discharged from the site. The Tarnoff Hydrology study prepared in April 2021 includes calculations for bioretention basins, infiltration planters and underground storage designed to eliminate impacts to water quality and quantity downstream. Construction level plans would be required to satisfy the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID to minimize impacts from construction activities. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 8, 15, 20, 22, 23, 26)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐

Discussion:
Less Than Significant Impact: See **Section X(a)** above. The project proposes storm drainage infrastructure consisting of catch basins and underground piping which would create a no net increase as required by City of San Rafael storm water management development standards. The proposed project includes storm drainage infrastructure with connections to the City of San Rafael storm drainage system. In addition, project design includes stormwater management including bioretention areas, and, as result, there would not be a net increase in the amount of stormwater run-off. As such, the proposed project would not result in increased downstream flow rates that would exceed the capacity of the stormwater drainage systems. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 8, 15, 20, 22, 23, 26)

iv) Impede or redirect flood flows?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact: The project proposes storm drainage infrastructure that would discharge runoff to connections with the City of San Rafael storm drainage system. In addition, project design includes stormwater management including bioretention areas, and, as result, the proposed project would not result in flooding on- or off-site.

In addition, Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA, 2016) indicate the site is not mapped within a flood area. It is required by Marin County and the City of San Rafael that the proposed development would not increase the discharged storm drain peak flow and volume. Bioretention basins, infiltration planters and underground storage (if required) would be designed to eliminate impacts to water quality and quantity downstream. Construction level plans would be required to satisfy the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID to minimize impacts from construction activities. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 7, 8, 15, 20, 22, 23, 26)

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

Discussion:
No Impact. There would be no risk of inundation by seiche, tsunami or mudflow at the project site. Seiche and tsunamis are short duration, earthquake-generated water waves in large, enclosed bodies of water and the open ocean, respectively. The extent and severity of a seiche or tsunami would be dependent upon ground motions and fault offset from nearby active faults. The project site is at an increased elevation and not located near a large body

of water. Areas of potential tsunami inundation associated with South Gallinas Creek are over half a mile away and over fifty feet lower in elevation than the project site. In addition, there are no lakes, water towers or other water features that pose a rise of seiche near the building. There would be no impact.

(Sources: 1, 2, 3, 4, 5, 7, 8, 15, 20, 22, 23, 26)

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

Discussion:
Less Than Significant Impact. The proposed residential development and associated site improvements will not obstruct implementation of a water quality control plan or substantial groundwater management plan. As discussed in this **Section X**, the proposed project would be required to comply with City development standards including the City of San Rafael Urban Runoff Pollution Prevention Ordinance to ensure that no new net run-off or pollutants from stormwater runoff would result from the proposed project. Furthermore, the project would be required to satisfy BMPs and LID. For these reasons, the impact would be considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 15, 26)

XI. LAND USE AND PLANNING

Would the project:

a. Physically divide an established community?	☐	☐	☐	☒

Discussion:
No Impact. The project site is designated in the recently adopted San Rafael General Plan 2040 for Hillside Resource Residential Land Use, which allows a residential density of .1 - .5 units per acre. The project site has a Planned Development (PD-H) and Hillside Residential (R2a-H) zoning classification that allows the site to be developed as residential. Since the PD H zoning was specific to the use approved, it will require a PD rezoning for this proposed project to allow for the residential uses and to allow redevelopment of a site with an existing non-conforming minimum lot size (minimum lot size for the PD zone is 2.5 acres). The proposed project is requesting entitlements to amend the General Plan and Zoning designations for the site, and if approved, would create consistency with the General Plan Land Use and Zoning designations with PD rezoning. The proposed improvements would be primarily residential in nature and would create a "neighborhood" community complete with park and open spaces, a community market, and a community center. The site is vacant and there are no nearby residential areas that would be directly impacted by development of the project. For these reasons, the proposed project would not physically divide an established community, and therefore, there would be no impact, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5)

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of	☐	☐	☒	☐

avoiding or mitigating an environmental effect?

Discussion:

Less Than Significant Impact. As discussed above in **Section XI(a)**, the proposed residential apartment uses would not be consistent with the existing General Plan Land Use Map designation which contemplates residential density at .1 - .5 units/acres. The proposed project includes 192 residential townhome units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces on approximately 10.24 acres at a density of approximately 18 units per acre in an urbanized area within the General Plan. The applicant is proposing to change the Land Use designation in the General Plan from Hillside Resource Residential (HRR) to Neighborhood Commercial Mixed Use (NCMU), and to rezone the site from Planned District – Hillside Development Overlay District (PD-H) and Residential – Hillside Development Overlay District (R2a-H) to Planned Development District (PD). Creating a new PD would be consistent with overarching GP land use designation. The new land use designation allows a range of 8.7-24.2 units per acre and also provide opportunities for retail uses. In accordance with San Rafael General Plan Policy LU-10 Planned Development Zoning, a Planned Development zoning is required for development on lots larger than five acres in size. Specific development standards and allowable uses will be established for the Planned Development as part of the development review process.

The proposed project would be consistent with proposed PD development standards regulating building setback, maximum lot coverage and landscaping. The project proposes a maximum building height of 58 feet where 30 feet is permitted by the General Plan. Since the project qualifies as an affordable housing project, a maximum of 246 parking spaces are required under the provisions of State Density Bonus Law (Government Code Section 65915(p). Another 42 parking spaces are required for the market and community center as provided by SRMC Section 14.18.040. A total of 225 parking spaces are proposed including 171 spaces located below the apartment buildings, 12 spaces located below the market/community center building and 42 at-grade spaces for use by residents and visitors. Since the project qualifies as an affordable housing project, the applicant is requesting waivers from standards for building height and from parking standards. Such waivers are allowed by the State Density Bonus regulations. The design of the buildings would be governed pursuant to San Rafael Hillside Design Guidelines.

According to Section 65915(d)(1) of the California Government Code, approval of the waivers must be granted unless the City "makes a written finding, based on substantial evidence, of any of the following:

> (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law."

If the requested waivers for height and parking are approved by the City, the project would be considered to conform with the San Rafael General Plan and the impact is considered less than significant and no mitigation is required.

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

(Sources: 1, 2, 3, 4, 5, 15)

XII. MINERAL RESOURCES

Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

Discussion:
No Impact. No known mineral resources would be impacted by the proposed project, which would be located on a previously undeveloped site located in the North San Rafael area. There would be no impact.

(Sources: 1, 2, 3)

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion:
No Impact. The project site is located in the North San Rafael area and is not identified in the General Plan as a mineral resource recovery site. There would be no impact.

(Sources: 1, 2, 3, 4)

XIII. NOISE

Would the project result in:

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

Illingworth & Rodkin prepared a site noise assessment for the proposed project in August 2021. RGD Acoustics quantified the existing noise environment at the project site in October 2020 and was used in the Illingworth & Rodkin analysis to establish existing noise condition at receptors within the project vicinity.

Discussion:

Less Than Significant Impact. The proposed project is located on an existing vacant site on the west side of Los Gamos Road and the US Highway 101 freeway. Lands to the north, west, and south, immediately adjacent to the site are undeveloped. Office buildings border the site to the southeast and northeast. Residential land uses are located to the south along Oleander Drive and Los Gamos Road. The primary noise source at the site is vehicular traffic along US-101 and local traffic along Los Gamos Drive. US-101 is by about 50 feet below the project site. Commercial buildings and open spaces surround the project site. RGD Acoustics quantified the existing noise environment at the project site in October 2020. Two long-term, 4-day, noise monitors and four short-term, 10 to 20-minute, noise measurements were used to quantify the existing ambient sound environment at the proposed project site. The monitors operated between Wednesday, October 16th and Sunday, September 20, 2020. The monitoring survey included two long-term noise measurements and five short-term measurements and are documented in the Illingworth & Rodkin report.

San Rafael General Plan 2040.

The Noise Element of the San Rafael 2040 General Plan sets forth policies with the goal of protecting the public from excessive unnecessary and unreasonable noise. The following policies and programs are applicable to the proposed project:

Policy N-1.2: Maintaining Acceptable Noise Levels

Use the following performance standards to maintain an acceptable noise environment in San Rafael:

(a) New development shall not increase noise levels by more than 3 dB Ldn in a residential area, or by more than 5 dB Ldn in a non-residential area.

(b) New development shall not cause noise levels to increase above the "normally acceptable" levels shown in Table 9-2.

(c) For larger projects, the noise levels in (a) and (b) should include any noise that would be generated by additional traffic associated with the new development.

(d) Projects that exceed the thresholds above may be permitted if an acoustical study determines that there are mitigating circumstances (such as higher existing noise levels) and nearby uses will not be adversely affected.

Policy N-1.3: Reducing Noise Through Planning and Design

Use a range of design, construction, site planning, and operational measures to reduce potential noise impacts.

Program N-1.3A: Site Planning. Where appropriate, require site planning methods that minimize potential noise impacts. By taking advantage of terrain and site dimensions, it may be possible to arrange buildings, parking, and other uses to reduce and possibly eliminate noise conflicts. Site planning techniques include:

(a) Maximizing the distance between potential noise sources and the receiver.

(b) Placing non-sensitive uses such as parking lots, maintenance facilities, and utility areas between the source and receiver.

(c) Using non-sensitive uses such as garages to shield noise sensitive areas.

(d) Orienting buildings to shield outdoor spaces from noise sources.

(e) Incorporating landscaping and berms to absorb sound.

Policy N-1.9: Maintaining Peace and Quiet

Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.

Program N-1.9B: Construction Noise. Establish a list of construction best management practices (BMPs) for future projects and incorporate the list into San Rafael Municipal Code Chapter 8.13 (Noise) The City Building Division shall verify that appropriate BMPs are included on demolition,

City of San Rafael Municipal Code (Title 8 – Noise)

8.13.040 - Noise standards.

The City's Municipal Code contains a Zoning Ordinance that limits noise levels at adjacent properties. Section 8.13.040 states the allowable sound pressure level at various land uses during the day and night for intermittent and constant noise. The general noise limits are given in Table 8.13-1.

TABLE 8.13-1--GENERAL NOISE LIMITS

Property type or zone	Daytime limits	Nighttime limits
Residential	60 dBA Intermittent	50 dBA Intermittent
	50 dBA Constant	40 dBA Constant
Mixed-use	65 dBA Intermittent	55 dBA Intermittent
	55 dBA Constant	45 dBA Constant
Multifamily residential (interior sound source)	40 dBA Intermittent	35 dBA Intermittent
	35 dBA Constant	30 dBA Constant
Commercial	65 dBA Intermittent	65 dBA Intermittent
	55 dBA Constant	55 dBA Constant
Industrial	70 dBA Intermittent	70 dBA Intermittent
	60 dBA Constant	60 dBA Constant
Public Property	Most restrictive noise limit applicable to adjoining private property	Most restrictive noise limit applicable to adjoining private property

Section 8.13.050 of the Municipal Code establishes allowable hours of construction between 7 am and 6 pm Monday through Friday and between 9 am and 6 pm on Saturdays, unless permission is granted with a development permit or other approval from planning commission or the activity belongs to one of the exceptions stated in Subsection B of Section 3.13.050 (Standard Exceptions to general noise limits) of the City of San Rafael's Municipal Code. No construction activities are permitted on Sundays and holidays. Noise levels at any point within the city limits shall not exceed 90 dBA Leq.

City of San Rafael Municipal Code (Title 14 – Zoning Division IV)

14.16.260 - Noise standards.

Any new development located in a "conditionally acceptable" or "normally unacceptable" noise exposure area, based on the land use compatibility chart standards in the general plan, shall require an acoustical analysis. Noise mitigation features shall be incorporated where needed to assure consistency with general plan standards. New construction is prohibited in noise exposure areas where the land use compatibility chart indicates the noise exposure is "clearly unacceptable."

A. Residential Development. The following standards apply to residential development:
   1. Acoustical studies shall be required for all new residential development within projected sixty (60) dBA (Ldn) noise contours so that noise mitigation measures can be incorporated into project designs.
   2. Usable outdoor area in low and medium density districts shall be sixty (60) dBA (Ldn) or less.

3. In high density and mixed-use districts, residential interior standards shall be met and common, usable outdoor areas shall be designed to minimize noise impacts. Where possible, a sixty (60) dBA (Ldn) standard shall be applied to usable outdoor areas.
4. Interior noise standards for new single-family residential and residential health care development shall be forty (40) dBA (Ldn) for bedrooms and forty-five (45) dBA (Ldn) for other rooms. New hotels and motels shall meet a forty-five (45) dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2.

Noise Levels

A significant impact would occur if the proposed project would increase noise levels by more than 3 dBA Ldn in a residential area, or by more than 5 dBA Ldn in a non-residential area. For reference, a 3 dBA Ldn noise increase would be expected if the project would double existing traffic volumes along a roadway, and a 5 dBA Ldn noise increase would be expected if the project would triple existing traffic volumes along a roadway. Per the requirements of the Municipal Code, constant sources of noise produced by the project (i.e., HVAC equipment) shall be limited to 55 dBA during the day and night at the property line of nearby commercial land uses. This noise level limit is approximately equal to the Highway 101 traffic noise level during the quietest nighttime hour and approximately 10 dBA below typical daytime noise levels produced by Highway 101 traffic.

Generally, one HVAC unit will be provided per unit, and the mechanical equipment will be located at the rooftop level of the building which will cause most of the noise to be projected upward and away from neighboring properties. Noise levels produced by a typical residential heat pump are approximately 56 dBA at 3 feet during operation. Noise levels produced by a typical residential air conditioning condenser are approximately 66 dBA at 3 feet during operation. The units would be located no closer than 25 feet from the nearest commercial property line; therefore, noise levels resulting from the operation of individual units would be 38 to 48 dBA at the nearest commercial property line. No equipment is anticipated for a project of this scale that would make meeting the applicable noise limits with standard noise control measures difficult. The operation of these equipment would not measurably increase ambient noise levels over an hourly or daily average basis at the nearest commercial land uses and the impact is less-than-significant.

Exterior Noise Environment

The results of the noise measurements indicated that the noise environment in the project area is primarily the result of vehicular traffic along US Highway 101 and the rooftop mechanical equipment at adjacent office buildings. Maximum instantaneous noise levels were measured to range from 61 to 70 dBA Lmax and average noise were measured to range from 57 to 65 dBA Leq during the afternoon and early evening time period. From these data, existing day-night average noise levels are estimated to range from 60 to 68 dBA Ldn depending on the proximity of the receptor to the highway and the presence of intervening terrain, buildings, or noise barriers.

Construction Noise Environment

The potential for temporary noise impacts due to project construction activities would depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Chapter 8.13.050 of the City's Municipal Code exempts construction noise from the general noise limits, but limits all noise due to construction to at or below 90 dBA Leq at any point outside the construction property plane. Additionally, allowable construction hours in the City of San Rafael are 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and national holidays.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The highest maximum noise levels expected to be generated by project construction would range from about 80 to 90 dBA Lmax at a distance of 50 feet from the noise source. Pile driving, which generates noise levels up to 105 dBA Lmax at 50 feet, is not expected to be required for this project. Typical hourly average noise levels for the construction of the project area calculated to range from 74 to 86 dBA Leq at a distance of 50 feet. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dBA noise reduction at distant receptors.

Permanent Noise Level Increase

Project trip generation data and peak hour turning movement data contained in the project's traffic study were reviewed to calculate the noise level increase attributable to project traffic. The project is expected to generate an average of 1,305 net new trips per day, including 75 trips during the a.m. peak hour and 90 trips during the p.m. peak hour. Existing traffic conditions were compared to existing plus project traffic conditions, and a traffic noise increase of less than 1 dBA Ldn was calculated for each roadway segment in the study area. The project would not substantially increase traffic volumes along local roadways resulting in a less-than-significant impact. Further, the project-generated increase in traffic noise levels along local roadways would not measurably increase traffic noise levels produced US Highway 101 traffic, which is the predominant noise source in the area.

Illingworth & Rodkin concluded that Construction noise levels are anticipated to comply with the City of San Rafael's Municipal Code and would occur over a temporary period. Implementation of the following standard construction best management practices would further reduce construction noise levels at sensitive receptors in the site vicinity:

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment or construction occurring in close proximity to adjacent land uses. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Control noise from construction workers' radios to a point where they are not audible at properties bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise

complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Implementation of Construction Best Management Practices and incorporation of suggested conditions of approval specific to building construction requirements would reduce the potential impacts to short-term and long-term increases in ambient noise levels in the vicinity of the project to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 9, 10, 15)

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

Discussion:
Less Than Significant Impact. San Rafael has adopted Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration. In addition, the San Rafael General Plan has policies specific to groundbourne vibration thresholds.

Policy N-1.11: Vibration
Ensure that the potential for vibration is addressed when transportation, construction, and nonresidential projects are proposed, and that measures are taken to mitigate potential impacts.

Program N-1.11A: Vibration-Related Conditions of Approval. Adopt Standard conditions of approval in San Rafael Municipal Code Chapter 8.13 (Noise) that apply Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various building types. These conditions should:

(a) reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as housing, schools, and historically significant buildings.

(b) reduce the potential for operational impacts on existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences.

Vibration impacts shall be considered as part of project level environment al evaluation and approval for individual future projects. If vibration levels exceed FTA limits, conditions of approval shall identify construction and operational alternatives that mitigate impacts.

Based on the thresholds provided by FTA, a vibration limit of 0.3 in/sec PPV is used to minimize potential for cosmetic damage at buildings of normal conventional construction that are located in the project vicinity.

Construction activities can produce vibration levels capable of damaging nearby structures if the activity occurs in close proximity to sensitive buildings. Potential damage can be categorized as cosmetic, minor, or major. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

In order to avoid cosmetic damage to structures, the FTA establishes a vibration limit of 0.5 in/sec PPV for reinforced-concrete, steel or timber buildings (no plaster), 0.3 in/sec PPV for engineered concrete and masonry buildings (no plaster), 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.12 in/sec PPV for buildings that are extremely susceptible to vibration damage. The nearest building to the project site is located

approximately 40 feet west and is assumed to be of normal conventional construction. Therefore, the applicable vibration limit is 0.3 in/sec PPV.

Construction activities associated with the project would include site preparation, foundation work, and new building framing and finishing. Foundation construction techniques involving impact or vibratory pile driving, which can cause excessive vibration, are not anticipated as part of the project. Heavy vibration-generating construction equipment, such as vibratory rollers or the dropping of heavy equipment (e.g., clam shovel drops), would have the potential to produce vibration levels of 0.3 in/sec PPV or greater at distances within 20 feet of the project site. Vibration levels at 40 feet and beyond would be 0.104 in/sec PPV or less, which is below the 0.3 in/sec PPV threshold for normal buildings.

At these locations, and in other surrounding areas where vibration would not be expected to cause damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration. By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby residences and businesses, perceptible vibration can be kept to a minimum. This is a less than significant impact and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 9, 10, 15)

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

Discussion:

Less Than Significant Impact. The project is located in North San Rafael and there are no public airports near the project site. San Rafael Airport is a private use airport, located approximately 1 mile east of the site, with average aircraft operations of approximately 25 flights per day. The noise contours of the airport, as depicted in the San Rafael General Plan, do not extend west of the Sonoma Marin Area Rail Transit (SMART) Tracks or US Highway 101. This means that exterior noise levels due to aircraft would not exceed 60 dBA Ldn or contribute to the ambient noise environment at the site which primarily results from US Highway 101. Gnoss Field is public airport located over eight miles north of the project site which would not be expected to contribute to the ambient noise environment. Noise levels produced by San Rafael Airport and Gnoss Field aircraft are insignificant at the site and would be clearly compatible with the proposed land use. For these reasons, the impact would be considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 9)

XIV. POPULATION AND HOUSING

Would the project:

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐

Discussion:

Less Than Significant Impact. The proposed project includes 192 residential townhome units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces on approximately 10.24 acres at a density of approximately 18 units per acre in an urbanized area within the General Plan area. The property currently has General Plan Land Use designation of HRR (Hillside Resource Residential) which only allows a density of 0.1 -0.5 units per /gross acre. This translates to a maximum gross density of 5 units based on the existing parcel areas. The applicant is proposing to change the Land Use designation in the General Plan from Hillside Resource Residential (HRR) to Neighborhood Commercial Mixed Use (NCMU), and to rezone the site from Planned District – Hillside Development Overlay District (PD-H) and Residential – Hillside Development Overlay District (R2a-H) to Planned Development District (PD). The new land use designation allows a range of 8.7-24.2 units per acre and also provide opportunities for retail uses. In accordance with San Rafael General Plan Policy LU-10 Planned Development Zoning, a Planned Development zoning is required for development on lots larger than five acres in size. Specific development standards and allowable uses will be established for the Planned Development as part of the development review process. If approved, the project would be considered to conform with the San Rafael General Plan. The project does not propose the extension of any roadways or infrastructure such as water or sewer service, nor significantly expand any of those services in a fashion that would remove a barrier to growth that previously inhibited growth in the area. Further, the project does not propose new jobs or businesses, other than the on-site small grocery which predominantly serves the residents of the project, that would attract more people to the area resulting in an indirect need for additional roadways or public services. Lastly, due to the project's urban location, and the requested entitlements, there are limited opportunities for future projects to obtain similar densities resulting in induced growth. Therefore, potential impacts are less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5)

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

Discussion:

No Impact. The subject property is currently an undeveloped hillside lot. The proposed project involves development of 192 residential townhome units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces and rezoning the existing zoning designation to allow the increased residential density and other uses on the site. No proposed infrastructure improvements specific to the proposed project would be required off-site that could potentially impact existing housing adjacent to the project site. No persons would be displaced, nor would existing housing be impacted by development of the project. Therefore, there would be no impact, and no mitigation is required.

(Sources: 1, 2, 3, 4)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

XV. PUBLIC SERVICES

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

a. Fire protection? ☐ ☐ ☒ ☐

Discussion:

Less Than Significant Impact. The proposed project is considered an urban infill development with 192 new residential units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces on approximately 10.24 acres. The property would be served by the San Rafael Fire Department (SRFD) Station #56 located approximately one mile to the west at 650 Del Ganado Road or Station #57 located approximately 1.37 miles southeast at 3530 Civic Center Drive. The proposed project would result in an increased demand for fire protection and emergency medical services provided by the SRFD but this increased demand would not create a need for new or physically altered fire protection facilities or equipment. The project would be located in a developed area, close to existing fire protection services.

The SRPD has reviewed the proposed project and did not comment on a need for additional services or expanded facilities, personnel, or equipment to serve the project, other than standard requirements such as fire hydrants and automatic fire sprinklers. The proposed project would not be of a scale to require new or physically altered government facilities, nor would it impact the quality of service, response times or other performance objectives for any of the public services. As part of the standard development review process that applies to all projects, the proposed project would be required to conform to fire suppression and fire detection measures required by the SRPD and the adopted California Fire Code. These measures include installation of automatic fire sprinklers and automatic fire alarm systems, verification of adequate emergency water flow and other standards for fire hydrants, and requirements for access by emergency vehicles and equipment. The Fire Code requires that site-specific design plans be submitted for review and approval by the fire chief prior to the completion of the planning phase and issuance of any building permits. Compliance with these measures would ensure that the proposed project implements appropriate fire protection and emergency access measures as required by the Fire Code. Adequate emergency water flow is expected to be available for the project (see **Section XIX, Utilities and Service Systems**, below). For these reasons, the impact is considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 15)

b. Police protection? ☐ ☐ ☒ ☐

Discussion:

Less Than Significant Impact. The San Rafael Police Department currently provides police protection to the area around the property. The SRPD reviewed the proposed project and did not provide any comments regarding increased calls or additional services. The proposed project would result in an increased demand for police protection services provided by the SRPD but this increased demand would not create a need for new or physically

altered police protection facilities or equipment. The project would be located in a developed area, close to existing police protection services. For these reasons, the impact is considered less than significant, and no mitigation would be required.

(Sources: 1, 2, 3, 4, 5, 15)

c. Schools? ☐ ☐ ☒ ☐

Discussion:

Less Than Significant Impact. The project site is located in the North San Rafael / Mont Marin neighborhood and is served by the San Rafael Unified School District and the Miller Creek Elementary School District for elementary school (Vallecito Elementary School), middle school (Davidson Middle School or Miller Creek Middle School), and high schools (San Rafael High and Terra Linda High). The proposed project includes the development of 192 new residential units. Mitigation for impacts on schools is governed by Government Code Section 65995(h), which states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities. Likewise, Section 65996(b) states that the provisions of the Government Code provide full and complete school facilities mitigation. The City collects school impact fees prior to the issuance of building permits. As such, potential impacts are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15)

d. Parks? ☐ ☐ ☒ ☐

Discussion:

Less Than Significant Impact. The proposed project includes the development of 192 residential units which would result in an increase in population and an increased demand for public services such as parks. Existing San Rafael City parks and recreation facilities within close proximity to the project site in the North San Rafael area include Los Ranchitos Park to the south, the Marin County Civic Center and Fairgrounds to the southeast, China Camp farther to the east, Freitas Park, Terra Linda Park, and Munson Park to the southwest. The YMCA is located just northeast of the project on Los Gamos Drive. Boyd Memorial Park is located south of the project site near Downtown San Rafael. Further to the northeast, the McGuinness Park and Golf Club is located along the Bay shoreline to the east of North San Rafael. Within the City of San Rafael corporate limits, there are a total of 25 parks and three community centers.

There would be 192 new residential units at full buildout. Access and demand for existing parks in this area would not substantially increase over existing use patterns and would not result in substantial adverse physical impacts. The project sponsor would be required to provide park land dedication or an in-lieu fee pursuant to San Rafael Municipal Code Chapter 15.09. Pursuant to Multi-family or Hillside Residential development standards, the project would be required to provide between 100 and 200 sq ft of usable open space/unit and is proposing to provide between 72 and 152 sq ft/ unit. The proposed project also includes 3,000 sq ft of open space in the form of the South Side park and common usable open space (including the patio area near the market and community center) as well as a 5,600 sq ft Market space and a 5,000 sq ft Community Room with bathrooms, and an outdoor patio areas for on-site residents including a 610 sq ft playground. As part of final project approvals, the project would be required to comply with all City of San Rafael fees required for permit issuance. For these reasons, the impact would be considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
e. Other public facilities?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. Other public facilities near the proposed project include the Marin County Civic Center to the southeast of the project and the new SMART rail station at the Marin Civic Center south of the project site at Merrydale Road. Although the project would be introducing 192 new residential units, a two-story building with a market, community center and recreational amenities, and associated site improvements including 225 parking spaces to the area, demand for new public facilities would not be anticipated. Access and demand for existing public facilities in this area would not substantially increase over existing use patterns which would not result in substantial adverse physical impacts. For these reasons, the impact would be considered less than significant impact and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15)

XVI. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. See **Section XIV(d)** above. The proposed project's impact on existing neighborhood and regional parks would be less than significant. Further, the proposed project includes several active and passive recreation areas for use by the residents. The size of the project would not result in an increase in the use of recreational facilities such that physical deterioration would occur or be accelerated. Development of the site would be consistent with the development density contemplated and analyzed in the 2020 General Plan, and thus would not result in new impacts not previously identified.

The Quimby Act, Government Code §66477, allows cities and counties to adopt ordinances requiring the dedication of parkland, fees in lieu of, or a combination of both to be used only for the purpose of acquiring land for park purposes. Based on the San Rafael Municipal Code (Section 15.09), the project would be required to dedicate 300 square feet of land per unit or make an in-lieu payment to the City equivalent to the current value of the land. Therefore, the impact of the proposed project upon existing parks and recreation facilities would be less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15)

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Discussion:

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

Less Than Significant Impact. See **Section XV(d)** and **XVI(a)** above. The proposed project includes 3,000 sq ft of open space/passive recreation areas in the form of the proposed South Park, internal courtyards, and private decks/patios for each unit ranging from 72 sq ft to 152 sq ft. In addition, the project includes a 5,600 sq ft Market space and a 5,000 sq ft Community Room with bathrooms, and outdoor patio areas for on-site residents including a 610 sq ft playground. Moreover, in addition to the many park areas within the town, San Rafael has ample open space, such a China Camp State Park, which feature numerous hiking trails. Development of the site would be not be consistent with the development density contemplated and analyzed in the 2040 General Plan, but the project provides onsite recreational facilities and is surrounded by open space and nearby parks. Therefore, the proposed project would not require additional demand for recreation facilities and the impact would be considered less than significant with no mitigation required.

(Sources: 1, 2, 3, 4, 5, 15)

XVII. TRANSPORTATION

Would the project:

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

In January and June of 2021, W-Trans conducted a traffic impact analysis for the proposed Los Gamos Apartments project. The overall purpose of that report was to evaluate the potential traffic impacts that could occur as a result of project and to provide City staff and policy makers with project data. Potential traffic impacts, and any associated improvements that would be required to mitigate these impacts to a level of insignificance, were evaluated as defined by the City's General Plan and other traffic related policies. W-Trans evaluated the proposed project including the development of 192 apartment units, of which 10 percent, or 20 units would be affordable, as well as a 5,600 square-foot market and a 5,000 square-foot community room on a site that is currently vacant. Vehicular traffic impacts were evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments. Impacts relative to access for pedestrians, bicyclists, and to transit were also addressed.

Discussion:

Less Than Significant Impact. W-Trans established the study area (selected with input from City staff) of the roadway segment of Los Gamos Drive fronting the project, the project access points, and the following intersections.

(1) Lucas Valley Road/Las Gallinas Avenue
(2) Lucas Valley Road/Los Gamos Drive
(3) Lucas Valley Road/US 101 South Ramps
(4) Lucas Valley Road/US 101 North Ramps

Operating conditions during the a.m. and p.m. peak periods were evaluated to capture the highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersections

Lucas Valley Road/Las Gallinas Avenue is a signalized four-legged intersection with protected left-turn phasing and yield-controlled channelized right-turn lanes on all approaches. Marked pedestrian crosswalks and phasing are provided on all legs and pedestrians can take refuge on "pork chop" islands on all four corners of the intersection.

Lucas Valley Road/Los Gamos Drive is a signalized tee-intersection with protected left-turn phasing on the westbound Lucas Valley Road and right-turn overlap phasing on the northbound Los Gamos Drive approach. There are marked crosswalks across the west and south legs.

Lucas Valley Road/US 101 South Ramps is a signalized tee-intersection with protected left-turn phasing on the westbound Lucas Valley Road approach and right-turn overlap phasing on the eastbound Lucas Valley Road approach. A marked crosswalk with pedestrian phasing is provided on the south leg, which is comprised of the on- and off-ramps for US 101 South.

Lucas Valley Road/US 101 North Ramps is a signalized tee-intersection with free channelized right-turn lanes on the eastbound and northbound approaches which serve the US 101 North on- and off-ramps, respectively. There are "pork chop" islands located at the southwest and southeast corners of the intersection and marked crosswalks with pedestrian phasing are provided on the south and east legs.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is May 1, 2014 through April 30, 2019. The calculated collision rates for the study intersections were compared to average collision rates for similar facilities statewide, as indicated in 2014 Collision Data on California State Highways, California Department of Transportation (Caltrans). The calculated collision rates for all four study intersections were below the statewide averages, indicating that there is no apparent safety concern at these locations. The collision rate calculations are provided in Appendix A of the W-Trans report.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the proposed project site; however, sidewalk gaps, obstacles, and barriers can be found along Los Gamos Drive near its connection to Los Gamos Road. Existing gaps and obstacles along the connecting roadways impact convenient and continuous access for pedestrians and present safety concerns in those locations where appropriate pedestrian infrastructure would address potential conflict points. Sidewalks along the south side of Lucas Valley Road are continuous from Las Gallinas Avenue to Silveira Parkway.

Bicycle Facilities

In the project area, Class II bike lanes exist on Las Gallinas Avenue and Lucas Valley Road and there are existing Class III bike routes on Los Gamos Drive and Los Gamos Road. The existing and planned bicycle facilities in the project vicinity are summarized in the W-Trans report, as contained in the San Rafael Bicycle & Pedestrian Master Plan, Alta Planning +Design, 2018.

Transit Facilities

Local, fixed-route bus transit service is provided by the County of Marin through its Marin Transit Service. Additional regional service is provided by Golden Gate Transit. The Lucas Valley Road and Smith Ranch Road bus

pads are located along both sides of US 101, a walk of approximately one-half mile from the project site via the parking lot for 1650 Los Gamos Drive. A summary of both local and regional transit services that are provided near the project site are included in Table 3 of the W-Trans report.

Two bicycles can be carried on most Marin Transit and Golden Gate Transit buses. Bike rack space is on a first come, first served basis. Additional bicycles are allowed on the buses at the discretion of the driver. Marin Access Paratransit is designed to serve the needs of individuals with disabilities within the City of San Rafael and the greater Marin County area who are unable to independently use fixed-route transit services. Trips can be reserved for travel seven days a week from 8:30 a.m. to 5:00 p.m.

Sonoma-Marin Area Rail Transit (SMART)
The project site is located approximately a mile-and-a-half north of the Marin Civic Center SMART train station. The SMART commuter rail system currently includes 45 miles of rail corridor and twelve stations from the Sonoma County Airport to Larkspur Landing. Upon completion, the passenger rail service will extend 70 miles from Cloverdale, at the north end of Sonoma County, to Larkspur where the Golden Gate Ferry connects Marin County with San Francisco. Along with commuter rail service, portions of the multi-use pathway have been constructed parallel to the rail corridor.

Traffic Operation Standards
Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, LOS A represents free flow conditions and LOS F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

The study intersections were analyzed using methodologies published in the Highway Capacity Manual (HCM), Transportation Research Board, 2010. This methodology is based on factors including traffic volumes, green time for each movement, phasing, whether the signals are coordinated or not, truck traffic, and pedestrian activity. Average stopped delay per vehicle in seconds is used as the basis for evaluation in this LOS methodology. For purposes of this study, delays were calculated using signal timing obtained from the City of San Rafael.

The City of San Rafael's LOS standard is published in the San Rafael General Plan 2020 Final EIR. It states that a project would have an adverse impact on an unsignalized intersection if it is operating acceptably at LOS E or better without the project and would deteriorate to LOS F operation with project traffic added or, if already operating at LOS F, would add five seconds or more to the average delay. For a signalized intersection in the study area the operational standard is LOS D.

Trip Generation
The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual, 10th Edition, 2017* for "Multi-Family Housing (Mid-Rise)" (LU #221) and "Supermarket" (LU #850), as these descriptions most closely match the proposed uses.

Internal Capture Trips
The *Trip Generation Manual* also includes data and methodologies that can be applied to determine the proportion of internal trips that may occur within a development area that includes a variety of land uses. Internal trips occur at mixed-use developments, and in the case of the proposed project would consist of residents patronizing the adjacent community market. The majority of these trips would be made by walking, and the few that would be made by automobile would only travel on-site, so would not affect the adjacent street network.

W-trans consulted with San Rafael engineering staff to adopt an internal capture rate of 15 percent of the daily supermarket trips based on the project's location. The concept of internal capture is that it eliminates both ends of a trip that occurs between on-site housing and the market, therefore, the volume that was captured at the market end of the trip was then also deducted from the housing end.

Pass-by Trips

Some portion of traffic associated with the proposed supermarket would be drawn from existing traffic to and from uses located along Los Gamos Drive. These vehicle trips are not considered "new," but are instead comprised of drivers who are already traveling in the area and choose to make an interim stop. While the trips would generally be diverted to the south end of Los Gamos because it ends near the site, this type of trip is typically drawn from traffic passing by the site and is therefore referred to as "pass-by."

The percentage of these pass-by trips was developed based on information also provided in the Trip Generation Handbook, 2018 which includes pass-by data collected at numerous locations for many land uses. It is noted that only a p.m. peak hour rate is provided for this land use; it was assumed that the pass-by rate during the morning peak hour and for the day overall would be less than that for the p.m. peak hour.

Total Project Trip Generation

Based on application of these rates and after deducting the internal capture trips, the proposed project is expected to generate an average of 1,418 vehicle trips per day, including 78 a.m. peak hour trips and 102 trips during the p.m. peak hour. After deductions are made to reflect pass-by trips, the project would be expected to generate 1,305 net new trips daily, with 75 trips occurring during the a.m. peak hour and 90 trips during the p.m. peak hour. Taken individually, after discounting the internal capture trips, the proposed residences would be expected to generate an average of 975 trips daily (1,044 less the 69 internally captured trips), with 64 of these occurring during the morning peak hour and 71 during the evening peak hour. The trip generation summary is shown in Table-7 of the W-Trans report (below).

Table 7 – Trip Generation Summary

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Multifamily Housing	192 du	5.44	1,044	0.36	69	18	51	0.44	84	52	32
Supermarket	5.0 ksf	106.78	534	3.82	19	11	8	9.24	46	24	22
Subtotal			***1,578***		***88***	***29***	***59***		***130***	***76***	***54***
Internal Capture		-15%*	-160	n/a	-10	-4	-6	n/a	-28	-15	-13
Subtotal (Driveway Trips)		**1,418**		**78**	**25**	**53**			**102**	**61**	**41**
Primary Supermarket Trips			*454*		*14*	*9*	*5*		*32*	*17*	*15*
Pass-By		*-25%*	*-113*	*-25%*	*-3*	*-2*	*-1*	*-36%*	*-12*	*-6*	*-6*
Net New Trips			**1,305**		**75**	**23**	**52**		**90**	**55**	**35**

Note: ksf = 1,000 square feet; du = dwelling unit; #Assumed 15% of supermarket daily trips would be internally captured; that value was then doubled to account for both ends of the trip

Existing Conditions

The Existing Conditions scenario provides an evaluation of current traffic operation based on existing traffic volumes during the a.m. and p.m. peak periods. This condition does not include project-generated traffic volumes. Volume data was collected in November 2019 while local schools were in session. These results are summarized in Table 10 (below). Project traffic volumes are shown in Figure 5 of the W-Trans report.

Table 10 – Existing and Existing plus Project Peak Hour Intersection Levels of Service

Study Intersection *Approach*	Existing Conditions				Existing plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Lucas Valley Rd/Las Gallinas Ave	20.7	C	15.2	B	20.7	C	15.2	B
2. Lucas Valley Rd/Los Gamos Dr	25.4	C	15.2	B	26.0	C	16.7	B
3. Lucas Valley Rd/US 101 S Ramps	12.4	B	12.2	B	12.9	B	13.0	B
4. Lucas Valley Rd/US 101 N Ramps	16.1	B	13.2	B	16.2	B	13.7	B

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service

Under Existing Conditions, all study intersections operate acceptably during both peak hours. Upon the addition of project-generated traffic to Existing volumes, all intersections are expected to continue operating acceptably.

Future Plus Project Conditions

Upon the addition of project-generated traffic to the anticipated Future volumes, and with the planned signalization of Lucas Valley Road/Los Gamos Drive as described under Future Conditions, the study intersections are expected to continue operating acceptably at LOS D or better during both peak periods. These results are summarized in Table 11 of the W-Trans report (below).

Table 11 – Future and Future plus Project Peak Hour Intersection Levels of Service

Study Intersection	Future Conditions				Future plus Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Lucas Valley Rd/Las Gallinas Ave	31.7	C	17.7	B	32.0	C	17.8	B
2. Lucas Valley Rd/Los Gamos Dr	42.2	D	46.0	D	50.4	D	53.9	D
3. Lucas Valley Rd/US 101 S Ramps	14.9	B	49.0	D	15.6	B	53.6	D
4. Lucas Valley Rd/US 101 N Ramps	48.5	D	33.4	C	49.9	D	36.5	D

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service

Traffic Conclusions

W-Trans concluded that the proposed project is expected to generate an average of 1,305 trips daily, including 75 trips during the AM morning peak hour and 90 during the PM evening peak hour. Under Existing Conditions, all study intersections operate acceptably during both peak hours. Upon the addition of project-generated traffic to Existing volumes, all intersections are expected to continue operating acceptably. Under the anticipated Future volumes, all four study intersections are expected to operate acceptably at LOS D or better during both peak hours and would be expected to continue doing so upon the addition of project generated traffic. This is considered a less than significant impact.

(Sources: 1, 2, 3, 4, 5, 6, 15)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐

Discussion:

Less Than Significant Impact. CEQA Guidelines Section 15064.3, Subdivision (b) contains guidelines for analyzing potential impacts using Vehicle Miles Travelled (VMT) as a threshold of significance. These guidelines went into effect in the City of San Rafael by July 1, 2020. In the interim, the City of San Rafael's significant criteria related to level of service for traffic performance will continue to be applied and are used in this Initial Study. As discussed in Section XVII (a) above, the City of San Rafael's LOS standard as contained in The City of San Rafael General Plan 2040 indicates that the minimum acceptable service level for signalized intersections outside the downtown area or as specified in the DEIR is LOS D. The project would have a significant traffic impact if the project's traffic would cause a signalized intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F). The City of San Rafael's LOS standard for unsignalized intersections is LOS E. The project would have a significant traffic impact if the project's traffic would cause an unsignalized intersection currently operating at an acceptable level of service (LOSE or better) to operate below the standard (LOS F). The General Plan identifies the arterial segment of Lucas Valley from Las Gallinas to 101 S/B ramps (PM peak only) as acceptable with an LOS E.

Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. Rather than the delay-based criteria associated with a Level of Service analysis, the increase in Vehicle Miles Traveled (VMT) as a result of a project will be the basis for determining impacts once this new metric is fully vetted and adopted. Because the City of San Rafael has not yet adopted a standard of significance for evaluating VMT, guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018,* was used. This document indicates that a residential project generating vehicle travel that is 15 or more percent below the existing citywide residential VMT per capita may indicate a less-than-significant transportation impact.

San Rafael's guidelines indicate that a residential project located in a low VMT area for its land use can be screened out from further VMT analysis, as it is presumed to have a less-than-significant transportation impact. Low VMT areas for residential projects are defined as generating vehicle travel that is 15 or more percent below the existing residential VMT per capita for the nine-county Bay Area, as determined by the Transportation Authority of Marin Demand Model (TAMDM); the residential VMT per capita for the nine-county Bay Area is 13.3 miles. Applying the City's threshold, a residential project generating a VMT of 11.3 miles per capita or less can be presumed to have a less-than-significant VMT impact. The TAMDM model includes traffic analysis zones (TAZ) covering geographic areas throughout Marin County, including 1,400 Micro Analysis Zones (MAZ) within which VMT characteristics are estimated. The proposed project site is located within MAZ 5349, which has a baseline VMT per capita of 10.8 miles.

The VMT associated with a development project is influenced by factors including density and the provision of on-site affordable housing. The publication *Quantifying Greenhouse Gas Mitigation Measures, California Air Pollution Control Officers Association (CAPCOA), 2010,* includes a methodology to determine the VMT reductions associated with increases in residential density using conventional single-family home development as a baseline. For the proposed Los Gamos Apartments project, which has a residential density of 18.75units per acre, an 8.4 percent reduction in VMT is projected. A methodology published in *Income, Location Efficiency, and VMT: Affordable Housing as a Climate Strategy, The California Housing Partnership, 2015*, was used to determine the VMT reductions associated with provision of on-site affordable housing (this method is also currently being used by the City of San Jose). The Los Gamos Apartments project would designate 10 percent of its apartments, or 20 units, as affordable units with below-market rate rents. The corresponding reduction in the project's VMT is projected to be 1.1 percent.

Combined, the project's proposed density and provision of onsite affordable housing would reduce its per capita VMT by 12 percent, thereby resulting in a project-specific rate of 8.4 VMT per capita. This is below the applied VMT significance threshold of 11.3 VMT per capita. Accordingly, the residential component of the project as proposed would be expected to result in a less-than-significant VMT impact. A summary of the VMT input variables and adjustments is included in Appendix E of the W-Trans report.

The project also includes an on-site 5,000 square-foot market available to the public and 5,000 square-foot community center. Based on guidance from the OPR Technical Advisory, local-serving retail such as this can generally be presumed to have a less-than-significant impact on VMT. This presumption is readily validated by the fact that customers of the market and community center will include on-site residents who would not generate VMT when patronizing the market, as well as residents and employees in surrounding areas that would otherwise need to travel a longer distance, mostly by vehicle, to visit a competing retail use. The market and community center would therefore be expected to result in a less-than-significant VMT impact.

While the project is expected to fall below VMT significance thresholds, several additional transportation demand management (TDM) strategies are available that could further reduce the amount of vehicle traffic and VMT generated by the project. One effective option could be provision of "unbundled" parking, which entails separating the cost associated with parking from the cost of renting an apartment, thereby providing a financial benefit through lower housing costs to those who do not own a vehicle (or own fewer vehicles). Another TDM option would be to provide an on-site car share vehicle (often offered through a vendor such as ZipCar or similar service) to be used by residents who do not own cars and those who generally rely on walking, bicycling, and transit for transportation but occasionally require use of a vehicle. A third, easily implemented, TDM measure would be to designate an on-site manager or employee to provide transit and ridesharing information to residents, particularly those just moving in who may be unfamiliar with the area and available services. The project would be expected to have a less-than-significant transportation impact on vehicle miles traveled, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 15)

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

Discussion:

Less Than Significant Impact. The site would be accessed via a new driveway located at the southern terminus of Los Gamos Drive, just north of the driveway and parking lot to 1401 Los Gamos Drive. Given the location of the proposed driveway, it is noted that project trips will predominantly turn right to enter the site and turn left to exit the site. A left-turn lane is not warranted on Los Gamos Drive at the project driveway since no through-traffic can approach the driveway from the south. Given that the project would be constructed on the hillside on the west side of Los Gamos Drive, the project driveway would approach the roadway at a grade. To ensure that the proposed on-site streets and driveway operate acceptably, the design should conform to the City of San Rafael Fire Department standards, the City of San Rafael Municipal Code, the City of San Rafael Hillside Design Guidelines, and any other applicable standards as determined by the City. Per Chapter 14.12.030, Property Development Standards (-H), the maximum driveway grade should not exceed eighteen percent unless an exception is granted by the City. The final project design would be reviewed by the Department of Public Works to ensure a suitable transition at the street and driveway apron to allow vehicles to safely transition from the roadway to the driveway and vice versa.

Sight Distance

Sight distances along Los Gamos Drive at the project driveway were evaluated based on sight distance criteria contained in the Highway Design Manual published by Caltrans. The recommended sight distance for driveway approaches is based on stopping sight distance. Based on a posted speed of 25 mph, the minimum stopping sight distance needed is 150 feet.

Based on a review of field conditions, sight distance from the location of the proposed project driveway extends 150 north towards the horizontal curve along Los Gamos Drive. Similarly, sight lines from the proposed driveway location extend 150 feet south into the parking lot of 1401 Los Gamos Drive. Sight distances along Los Gamos Drive are adequate to accommodate all turns into and out of the site; however, existing trees and vegetation have the potential to obstruct sight lines. A condition of approval will be included in project approvals to require regular trimming of nearby trees to clear vegetation below a height of seven feet. Because landscaping and signs can impede clear sight lines, any new plantings or signs should be designed to ensure that adequate sight lines will be maintained. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 15)

d. Result in inadequate emergency access?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. The project proposes a new site access driveway improvement, including project entrances/exists off Los Gamos Drive. The proposed ingress and egress, including required fire access and fire lanes, have been reviewed by City departments, including the San Rafael Fire Department. It has been determined that the proposed project would have adequate emergency access. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 6, 15)

XVIII. TRIBAL CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources. Code Section 5020.1(k), or				
ii. A resource determined by the lead agency, in its discretion and supported by				

substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Discussion:

Less Than Significant Impact with Mitigation Incorporation. See Responses V(a), (b) and (c) above. The proposed project analyzed by Kleinfelder/GANDA in July 2021 which included a cultural resources investigation and site investigation on June 8, 2021. The report includes an archival and record search of the 24-acre subject parcel and a surrounding 1-mile radius, contact with the Native American Heritage Commission (NAHC) and potential Native American stakeholders, and a field inventory of the subject parcel that included an architectural review of standing buildings and structures that lie within the proposed development area.

Pursuant to AB 52, the scope of the evaluation at the project level should include consultation with Native American representatives identified by the NAHC for areas outside of reservations, and with Tribal representatives of federally recognized Tribes where projects are located near or within lands associated with federally recognized Tribes. The consultation should be undertaken and be consistent with most recent guidance provided by the Office of Planning and Research. The purpose of the consultation is to identify Tribal cultural resources and ensure that such resources are taken into consideration in the planning process.

On May 26, 2021, Kleinfelder/GANDA archaeologist Robin Fies, M.A. conducted a records search at the NWIC at Sonoma State University in the city of Rohnert Park, California (File No. 20-2386). The NWIC is a repository of all cultural resources site records, previously conducted cultural resources investigations, and historic information concerning cultural resources for 18 counties, including Marin County. The purpose of this records search was to compile information pertaining to the locations of previously recorded cultural resources and prior cultural resources studies within a 1-mile radius of the project vicinity that inform the cultural resources sensitivity of the Project. No cultural resources were identified within the project site but the GANDA report provides descriptions of several archaeological sites within a 1-mile radius of the project site.

Kleinfelder/GANDA archaeologist Mike Lenzi initiated consultation via email with the NAHC on May 21, 2021, requesting information regarding a search of their Sacred Lands File for resources that may be located within the Project Area, as well as a list of interested Native American groups and individuals. The NAHC responded on June 7, 2021, indicating that there was a negative result for sacred lands within the vicinity of the Project Area. A copy of the letter received from the NAHC is included in Appendix B. The NAHC recommended that representatives from the Federated Indians of Graton Rancheria (FIGR) and Guidiville Indian Rancheria be consulted. Consultation letters were prepared on June 9, 2021, by Kleinfelder/GANDA archaeologist Mike Lenzi and mailed to Greg Sarris and Gene Buvelot of FIGR and Donald Duncan of Guidiville Indian Rancheria. As of submittal of this report, no Native American contacts have expressed concerns about the Project.

Although construction of the proposed project would have no impact on known tribal cultural resources, there is a possibility that previously unidentified resources and subsurface deposits are present within the Project area. If present, excavation, grading, and movement of heavy construction vehicles and equipment could expose, disturb or damage any such previously unrecorded tribal cultural resources. Because the possibility of encountering archaeological resources during construction cannot be completely discounted, the impact related to the potential disturbance or damage of previously undiscovered archaeological resources, if present, could be significant.

However, as the proposed project could have the potential to encounter unknown tribal cultural resources during ground-disturbance activities, implementation of the following mitigation measures is required:

> **Mitigation Measure TRIBAL-1:** Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.

Therefore, implementation of the above mitigation measure as well as implementation of mitigation measures ***Mitigation Measure CULT-1*** *and* ***Mitigation Measure CULT-2*** will reduce the potential impact to less than significant levels and no further mitigation is required.

(Sources: 1, 2, 3, 4, 5, 12, 16, 17, 27, 28)

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment facilities or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐

Discussion:

Less Than Significant Impact. The project site is within the North San Rafael Commercial Center which is served by the Las Gallinas Valley Sanitation District (LGVSD), which provides sanitary sewer service to the north San Rafael area. Wastewater is transmitted to the LGVSD treatment facility, located at 300 Smith Ranch Road in San Rafael. The LGVSD has indicated that service would be provided to the project site. The LGVSD has reviewed the project, provided comments, and will require that the development project submit an Application for Allocation of Capacity and pay capacity fees prior to submittal of a building permit. However, the LGVSD will require infrastructure evaluation to confirm that sanitary delivery lines are "right-sized" related to capacity needs of the proposed project. As such, the LGVSD will require the project sponsor to perform video inspections of existing infrastructure, and, in the event that existing pipes need to be upgraded, will require the project sponsor to design, fund, and construct new infrastructure as needed to provide service for the project. The project design incorporates sanitary sewer infrastructure that connects the development to the current LGVSD sanitary system. As such, the proposed project would not conflict with the existing capacity of wastewater delivery to LGVSD or the ability of the wastewater treatment facility to treat the additional wastewater generated by the project. For these reasons, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15, 26)

b. Have sufficient water supplies available to serve the project and reasonably foreseeable	☐	☐	☒	☐

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

future development during normal, dry and multiple dry years?

Discussion:
Less Than Significant Impact. See discussion in **Section XIX(a)**, above. Local water service would be provided by Marin Municipal Water District (MMWD) to the project site for development. MMWD stated that providing water service to the new residential development building would not impair the District's ability to continue service to the property. However, MMWD has determined that the property's requested annual water entitlement may require a pipeline extension agreement for the installation of the necessary facilities including an agreement that must be approved by the District's Board of Directors. In addition, the project must show compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation. For the reasons, the impact is considered less than significant and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15, 22, 23)

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

Discussion:
Less Than Significant Impact. See discussion in **Section XIX(a)** and **(b)**, above. The LGVSD would provide wastewater services to the proposed project and has adequate facilities to accommodate the proposed use at the project site. Wastewater generation and impacts on the LGVSD have been addressed in the in the San Rafael General Plan. Service to the project site would not result in impacts to the LGVSD facility at Smith Ranch Road. As discussed in **Section XIX(a)** above, although the proposed project would require upgrades to specific LGVSD infrastructure, there is adequate capacity in the LGVSD wastewater facility to service the project. The LGVSD has reviewed the project and provided comments, indicating that the proposed project is required to submit an application for Allocation of Capacity as well as fees for sewer unit and plumbing fixtures as required. Thus, no additional impacts to wastewater treatment capacity would result from the proposed project and impacts would be considered less than significant. No mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15)

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

Discussion:
Less Than Significant Impact. Solid waste collected within the City of San Rafael is disposed of at the Redwood Landfill. The Redwood Landfill is a fully permitted Class III disposal site located approximately five miles north of the project site (3.5 miles north of the City of Novato), and is used for more than 95 percent of Marin County's solid waste disposal, including solid waste from the City of San Rafael. The Redwood Landfill site consists of 420 acres of which 222.5 acres are dedicated to waste disposal and the balance supports Composting, Recycling, and Operations facilities as well as open space and a freshwater lagoon. The Redwood Landfill has a permitted capacity of 19,100,000 cubic yards. Nearly one-half of the materials brought to the site are reused or recycled, contributing

to one-third of the recycling that occurs in Marin County. Redwood Landfill is permitted to accept 2,310 tons of material daily. About 54 percent of the city's landfilled waste goes to Redwood Landfill north of Novato and about 41 percent goes to the Potrero Hills Landfill near Suisun City. The remaining five percent goes to landfills around the state. The Redwood Landfill includes a gas to energy plant that converts landfill gas to renewable electricity for use by Marin Clean Energy (MCE) customers. The landfill is expected to close in 2024. The Potrero Hills landfill is expected to be operational through 2048.

Marin Sanitary Service provides residential, multi-family, and commercial garbage, recycling, and compostable collection services within the city and nearby unincorporated areas. Residential and commercial curbside recyclable materials are processed at the Marin Resource Recovery Center/Marin Recycling Center (MRC) located at 565 Jacoby Street in San Rafael. The MRC also has a Buy Back center that accepts recyclables as well as facilities for construction and demolition debris, landscaping materials, and bulky items. Waste at the Resource Recovery Center goes through a customized system of screens, conveyors, blowers, and magnets and is also sorted by hand. About 3,000 tons of recyclables are processed each month. The Marin Household Hazardous Waste Facility is also located at the Jacoby Street site, providing a repository for paint, household cleaning products, automotive products and similar materials that would be hazardous if disposed in a landfill.

Development of the subject property for residential units would not significantly change the amount of solid waste generated within the City because the development would not significantly change the number of people working and living within the City. Furthermore, waste generated by the project would represent a small percentage of the remaining capacity at Redwood Landfill and the population increase planned in the City's General Plan population counts and would not significantly alter the amount of waste generated within the City. Potential impacts are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15, 25)

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

Discussion:

Less Than Significant Impact. See discussion in **Section XIX(d)**, above. Solid waste disposal services for the project site would be handled by Marin Sanitary Service and the Redwood Landfill. Both entities are subject to the California Integrated Waste Management Act to meet state waste diversion goals. Both entities offer recycling services to minimize the solid waste that is deposited it the landfill. Marin Sanitary Service offers curbside recycling and green waste composting. The Redwood Landfill recycles approximately 50 percent of the materials brought to the landfill site. The proposed project would be served by these entities and the existing recycling and waste reduction programs which comply with the California Integrated Waste Management Act.

The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) provides hazardous waste collection, recycling, and disposal information to ensure compliance with state recycling mandates. The Marin County Department of Public Works/Waste Management administers the JPA. The JPA comprises the cities and towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, and the County of Marin. The JPA's purpose is to ensure Marin's compliance with the California Integrated Waste Management Act and its waste reduction mandates. The project would comply with the JPA through the recycling and waste reduction services provided by Marin Sanitary Service and the Redwood Landfill. Therefore, potential impacts are considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 15, 25)

	Significant Impact	*Less-Than-Significant With Mitigation Incorporation*	*Less-Than-Significant Impact*	*No Impact*

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. As discussed in **Section IX, Hazards and Hazardous Materials**, above, the project site is located in an urbanized area and not in or near a state responsibility area or on or near lands classified as very High Fire severity zones. The project site is located in an area categorized as High fire severity zone, but the applicant has included design components to satisfy development standards consistent with best practices for fuel management. The proposed project has been reviewed by City of San Rafael departments and would comply with typical residential design standards for new construction. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 14, 15)

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. As discussed in **Section IX Hazards and Hazardous Materials**, above, the project site is located in an urbanized area and not in or near a state responsibility area or on or near lands classified as Very High Fire severity zones. The project site is located in an area categorized as High Fire severity zone, but the proposed project design includes a Vegetation Management Plan and a fuel break buffer around the proposed development to reduce risk of uncontrolled wildfire spread. In addition, the project would be constructed pursuant to City of San Rafael development standards for new construction, including installation of fire sprinklers and fire-retardant building materials. Therefore, the impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 14, 15)

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. As discussed in this Initial Study, the proposed project would be required to meet development standards for new residential development, including egress/ingress, fire suppression, and water service. The proposed project has been reviewed by City departments as well as any service agency needed for approval of project improvements and services. The proposed project design includes a Vegetation Management Plan and a fuel

break buffer around the proposed development to reduce risk of uncontrolled wildfire spread. In addition, implementation of best management practices related to vegetation management and fuel control would reduce the temporary or ongoing impacts to the environment. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 14, 15)

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. As discussed in this Initial Study, the proposed project would be required to meet development standards for new residential development, including site drainage, egress/ingress, fire suppression, and water service. The proposed project has been reviewed by City departments as well as any service agency needed for approval of project improvements and services. Although the project considered an infill development, it is located within a wildland urban interface zone, and requires consistency with wildland interface development standards. The impact is considered less than significant, and no mitigation is required.

(Sources: 1, 2, 3, 4, 5, 7, 15)

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Discussion:
Less Than Significant Impact with Mitigation Incorporation. The proposed project, with implementation of the proposed mitigation measures, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As discussed above, the proposed project would be considered "in-fill" development but includes disturbance or development on undeveloped areas. Where potential impacts to wildlife or plant communities would occur, proposed mitigation measures in **Section V. Biology** would ensure that they would be reduce to less than significant

levels. For these reasons, the impact would be considered less than significant after mitigation incorporation and no further mitigation would be required.

(Sources: 1-28)

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

Discussion:
Less Than Significant Impact. As summarized throughout this Initial Study, the project would have minor potential environmental impacts which can mitigated to less than significant levels. Potential cumulative impacts would be limited due to the small scale of the development and site improvements. The proposed project would be considered "in-fill" development and would not have a substantial cumulative development impact. For these reasons, the impact would be considered less than significant and no further mitigation would be required.

(Sources: 1-28)

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:
Less Than Significant Impact. As summarized throughout this Initial Study, the project would not result in substantial environmental effects on human beings. Mitigation measures are identified in this Initial Study to reduce potentially significant impacts related to air quality, biological resources, cultural resources, geology and soils, noise, and tribal resources. The proposed project would be considered "in-fill" development and would not have a substantial development impact either directly or indirectly on human beings. For these reasons, the impact would be considered less than significant and no further mitigation would be required.

(Sources: 1-28)

SOURCE REFERENCES

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

1. City of San Rafael General Plan 2040, adopted August 2, 2021.

2. City of San Rafael General Plan 2020, adopted November 2004; as amended through July 2016.

3. City of San Rafael General Zoning Ordinance, adopted September 1992; as amended May1996.

4. Marin County GIS; Marin Map; www.marinmap.org, accessed April, 2021

5. Application Packet submitted by Russell Architects, including site plan, architectural plans, landscape plans, civil plans, and additional materials and exhibits.

6. Traffic Impact Study for the Los Gamos Apartments Project, W-Trans, June 4, 2021. Addendum to the Traffic Impact Study for the Los Gamos Apartments Project, W-Trans, October 7, 2021.

7. Preliminary Geotechnical Exploration, The Neighborhood Development Los Gamos Avenue, Miller Pacific Engineering Group, December 7, 2020

8. Storm Water Control Plan, Los Gamos Apartments, Tarnoff Engineering Corp, November, 2020

9. Environmental Noise and Vibration Assessment Report, Neighborhood at Los Gamos, RGD Acoustics, November 19, 2020

10. The Neighborhood at Los Gamos Noise and Vibration Assessment San Rafael, California August 2, 2021, Illingworth & Rodkin, August 2, 2021

11. Air Quality Assessment Report, Neighborhood at Los Gamos, Illingworth & Rodkin, November 13, 2020

12. Cultural Resources Inventory Report for The Neighborhood at Los Gamos Project, Marin County, Ca, San Rafael, Marin County, Ca; Kleinfelder/GANDA, July 8, 2021

13. Los Gamos Apartments Project, San Rafael, California – Biological Resources CEQA Review, Garcia and Associates, November 2020

14. Defensible Space, Neighborhood at Los Gamos, Garcia and Associates, November 2020

15. Inter-departmental and Agency Memoranda: 1) Public Works Department, April 19, 2021 and June 6, 2021; 2) Fire Prevention, Robert Sinnott, December 14 2020; Building Department, Don Jeppson, January 5, 2021; Las Galinas Valley Sanitation District, September 9, 2021; Marin Municipal Water District; comment letter, Christopher Borjian, January 8, 2021; Marin Sanitary District, January 9, 2021

16. Formal Request for Tribal Consultation on Los Gamos Apartments, San Rafael, CA, City of San Rafael Planning Division, April 16, 2021

17. Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act, on Los Gamos Apartments, San Rafael, CA, Federated Indians of Graton Rancheria, Buffy McQuillen, THPO/NAGPRA, April 16, 2021

18. City of San Rafael has a Climate Change Action Plan, adopted in May 2019 and City of San Rafael Greenhouse Gas Reduction Strategy Compliance Checklist

19. CEQA Air Quality Guidelines, Bay Area Air Quality Management District, 2017

20. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). Community Panel No. 06041C0293E, effective March 16, 2016

21. Association of Bay Area Governments, Alquist-Priolo Earthquake Fault Zoning and Hazard Maps

22. MMWD 2020 Urban Water Management Plan

23. California Drought Portal, https://www.drought.gov/states/california, accessed August 2021

24. BAAQMD website: http://www.baaqmd.gov/

25. Redwood Landfill website: *http://www.redwoodlandfill.wm.com/*

26. MCSTOPP: *http://www.marincounty.org/depts/pw/divisions/mcstoppp*

27. City of San Rafael Archaeology Sensitivity Map, adopted October 2001.

28. PastFinder Archaeological Database, Archaeological Sensitivity Report, generated April 7, 2021

PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES

As the project sponsor or the authorized agent of the project sponsor, I, _____, undersigned, have reviewed the Initial Study for the _____ and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of San Rafael to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

_____ _____

Property Owner (authorized agent) Date

DETERMINATION FOR PROJECT

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

_____ _____

Signature Date

_____ _____

Printed Name Title

REPORT AUHTORS AND CONSULTANTS

_____

Sean Kennings, LAK Associates, LLC, Contract Planner
City of San Rafael, Community Development Department.
.