

Northgate Mall Redevelopment Project (5800 Northgate Drive) EIR Scoping Comments

[REDACTED] [REDACTED]
Mon 1/10/2022 5:10 PM

To: Tricia Stevens <Tricia.Stevens@cityofsanrafael.org>

Tricia Stevens
Project Planner
Planning Division
Community Development Department
City of San Rafael, CA

Dear Ms Stevens

I am writing in response to the NOP for preparation of an EIR relating to the Northgate Mall Redevelopment Project (5800 Northgate Drive).

I am a 26-year resident of the San Rafael Park neighborhood of San Rafael, and actively involved in advocating for affordable housing through Housing Action Crisis, Marin Interfaith Council, and the Marin Organizing Committee's Affordable Housing Team.

Northgate is my local mall, and I am generally in support of this project and anxious to review the Draft EIR when it is available

Regarding the scope of the EIR, I would ask you and the Planning Commission to direct the EIR consulting team to study the following:

- An alternative project that increases the proposed number of housing units by at least 10%. The current scope indicates that the EIR will determine the maximum development potential for the proposed project but does not clarify whether that will include studying a project that is larger than currently proposed by the applicant.
- An alternative project that increases the total number of affordable units built on site to 10%. The current project indicates that only seven percent will be built on site and the remaining required units will be built offsite (or through other options – presumably a fee paid to the City).
- An analysis of the impact of not including 10% affordable units in the proposed project. The lack of affordable housing for teachers, care givers, and food service workers places a burden on these essential services, and forces people to commute long hours in private automobiles and/or live in cramped and sometimes unsafe conditions. Any analysis of the impact of building this project should also include an analysis of the impact of not building it out to its full potential.
- An analysis of the expected water use of this project, broken out between the residential use and the commercial use, and with a comparison of the proposed residential use to the current residential use in the surrounding neighborhood.
- An analysis that compares the traffic impact of a residential unit in this project with that of an average house in the surrounding residential neighborhood.

Thank you for the opportunity to comment on the EIR scope for this important project

Sincerely,

Jeff Bialik
[REDACTED]

San Rafael, CA 94903

Northgate Mall Redevelopment EIR

Candiece Milford [REDACTED]

Sat 1/8/2022 6:45 AM

To: Tricia Stevens <Tricia.Stevens@cityofsanrafael.org>

Our concerns about this project relative to the current plan are:

- density and height of the buildings. 5 stories is too tall and out of character with anything in the entire Terra Linda neighborhood. It will loom over the southeast and southwest corners of the property.

- density = traffic in an area already very busy, especially during the early morning and around 3 pm due to the high school and Kaiser traffic patterns. This area is one of the oldest demographics in the entire Bay Area and walking will be severely impacted in order to negotiate hundreds of additional cars.

- there are several, perhaps 4, underground streams that need to be considered. In the recent construction of Oakmont San Rafael, the project was delayed when they drilled down into a stream and had to pump water out continually. How are these streams being addressed to prevent flooding in areas that never flooded before?
- light pollution is a real concern for residents who both live on the hills overlooking the development as well as those on the same level. At night, it is relatively dark and with thousands of lights from parking areas and apartments, the entire area will be forever changed in character. There should be NO lights on top of buildings or parking structures on top of buildings, especially on the south ends of the property.

Thank you for your consideration.

Candiece Milford

Quail Hill Town Homes

sent from across the cosmos - please excuse typos

Leslie Mendez

From: Cherie Herzog [REDACTED]
Sent: Sunday, January 9, 2022 3:56 AM
To: Planning Public Comment
Subject: Northgate

NO NO NO this is way too dense. If you must put housing like that in Northgate at least cut it down to a third of what you're proposing. Pretty soon we're going to have rental housing in all of Marin and they will outnumber those of us who own homes. This will end Marin being the county that's peaceful bucolic and fairly crime free

Cheers
Cherie

Public Comment for Agenda Item 3: Northgate Mall Redevelopment Project

Ethan Strull [REDACTED]

Mon 1/10/2022 11:32 AM

To: Planning Public Comment <PlanningPublicComment@cityofsanrafael.org>; Tricia Stevens <Tricia.Stevens@cityofsanrafael.org>

Commissioners,

Thank you for your consideration today to permit the renovation of the Northgate Mall. As a neighbor living 2 minutes away and housing advocate in San Rafael, we all know that this area requires significant changes to adequately serve the surrounding community. The last time I saw those parking lots in use was completely unrelated to the mall itself: when the starlings settled in the Eucalyptus trees just across the street.

The proposed changes move away from the antiquated design of big box malls and towards an urbanist community center where people can more sustainably live and work and recreate all in the same place without getting in a car. As we move forward with the planning process, there are a few specific aspects I would like to speak to.

First, maintaining as much housing, and affordable housing, as possible onsite. Our housing element requires these homes for good reason: our lack of affordable housing forces thousands of individuals to burn time and carbon driving into Marin every day, increasing pollution and inequities across the Bay Area. **All of the proposed homes at Northgate are more affordable than Marin's expensive single family housing, yet more subsidized affordable homes will decrease forced car commutes because of the cost of housing.**

Second, ensuring quality integration with public transportation. Though Marin still depends on cars, **these mixed-use buildings begin to offer alternatives to driving**, which will allow us to replace orthgate's many parking spaces with more efficient uses of our valuable space.

Considering this CEQA review, I urge the commissioners to prioritize **long term environmental considerations**, especially climate change. This is the type of smart planning that will help San Rafael have a positive impact on our environment.

Thanks,
Ethan

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Responsible Growth in Marin

To: Tricia Stevens, Project Planner, Northgate Mall Redevelopment Project (TriciaStevens@cityofsanrafael.org)
CC: Planning Commissioners, Alicia Giudice, Leslie Mendez

RE: Scoping Session for Initial Study/Environmental Impact Report for
Northgate Mall Redevelopment Project - Northgate Town Square

FOR PUBLIC COMMENT – PLANNING COMMISSION MEETING - 11, 2022

Dear Tricia,

Responsible Growth in Marin (RGM) is a North San Rafael grassroots non-profit (501(c)(3)) all volunteer organization with more than 1,000 supporters. Many of our members have been instrumentally involved in the planning for the Northgate site for more than 25 years. This involvement includes the North San Rafael Vision Plan 2010, GP2020, GP 2040, and the North San Rafael Promenade Conceptual Plan. RGM is uniquely familiar with the site and qualified to provide comments on the environmental review for this project. We request that the following critical aspects of the Northgate Mall Redevelopment Project/Northgate Town Square (Project) be evaluated in the Draft Environment Impact Report (Draft EIR).

Project Description

The NOP for the Project discloses that the Project would include the addition of six multifamily buildings containing a total of 1,443 residential dwelling units (DU) at full buildout (Phase 2), an increase of 87 DUs compared to the 1,356 DUs proposed in the Applicant's March 2021 application. Phase 1 of the Project now includes a total of 1,013 DUs, 117 more than previously applied for. Please explain this discrepancy and discuss the reasons for it as well as impacts on affordable housing and the viability of Phase 2. (Please note that the required number of affordable DUs (7% of 1,443) is 101, not 96, as shown in the current plans.)

Please clearly identify loading areas for existing and planned businesses at the site.

Preferred Alternative

We respectfully point out that the "revised" current proposed plans by Merlone Geier do not reflect some key elements requested by the community and discussed with the Applicant during the joint Design Review Board/Planning Commission at the working session on September 14, 2021. The only change that we see is the addition of 87 units. None of the key aspects commented on by the City agencies and community have been included. We request that the eventual Preferred Alternative for the project include the basic planning principles for the site as stated in numerous planning documents: The San Rafael GP2040 which includes and reinforces aspects of previous community plans including GP2020, the North San Rafael Vision Plan 2010 and the North San Rafael Promenade Conceptual Plan. These documents provide the overarching planning concepts that must be adhered to in the development of the Preferred Alternative for the site and are consistent with the owner's own Goals and Objectives stated in their General Planning Application from March 2021.

We respectfully request that the Preferred Alternative incorporate the three elements discussed below as integral parts of the project to better achieve the goals and objectives of the community and San Rafael's General Plan 2040, while meeting the stated goals and objectives of the Applicant.

A. Town Center Destination – Priority in Phase 1

Creation of a genuine Town Center on this property is critical to the success of the entire project, including the retail, activity, and service elements and the proposed 1,443 new housing units (1,013 in Phase 1). The proposed central parking lots currently shown on the applicant's plans for Phase 1 do **NOT** qualify as a Town Center. Without a true pedestrian center or village green, there will be no vision or heart to the new development. The new community will have no gathering or recreational space and there will be no compelling feature attracting the surrounding communities of North San Rafael and greater Marin County.

This essential neighborhood element has been sought by the community for the past 25 years, as articulated in numerous planning documents. The Town Center is also outlined in Merlone Geier's own "Project Goals and Objectives" on pages 6 and 7 of the Project Description filed on March 10, 2021 with the City of San Rafael. Specifically, the goals and objectives highlight "Encourage the establishment of open areas in land development," "Redevelop the 1960's-era Mall into a town center," "Promote the concept of a town center/urban village through a combination of retail, dining and residential uses within a pedestrian-oriented urban core," and "Provide new outdoor amenities and open spaces and recreational opportunities." The City of San Rafael should not allow this heart of the project to be delayed for another ~20 years and be potentially further diminished in Phase 2 of the proposed project.

Our pastoral surroundings suggest a village green (using recycled water) with views to nearby ridgelines offering a welcoming place for the new retail, commercial, and residential "live-work-play" community. We envision a place of character and regional flavor with generous, inviting open spaces allowing restaurants and retail activities to spill outdoors. A stage or gazebo for performances is critical for events that can occur in the park-like environment replete with activities for adults, children, and pets. Possible program elements could include food trucks, a farmers' market, picnic tables, children's play areas, a water feature, an arboretum, a native plants walk, etc. The Town Center will also double as parkland space to support the new neighborhood of housing. Given our long and increasingly hot dry season, it's critical to include abundant shade trees and shade structures to ensure that outdoor amenities can and will be used.

City References: See GP 2040 Sections: Neighborhoods Element, p. 4-53 to 4-57; Goal CDP-2 p. 5-12; Goal CDP-3.1 p. 5-16; Policy PROS 1.13 p. 7-12; Policy CDP-3.1 p. 5-16. Also see San Rafael Municipal Code Title 15.09

Merlone Geier References: March 10, 2021 Project Description p. 6-7

Diagram: Town Center Destination – Priority in Phase 1



B. New Housing – A New Neighborhood in Phase 1 and 2

A healthy community includes a variety of housing types including market rate rental, ownership, and workforce and affordable housing. The Preferred Alternative should create a new neighborhood that blends with existing neighborhoods with sensitive design, massing, and density. (Consider the surrounding midcentury character of the Eichler neighborhood and the Macy’s building as guiding principles for the architectural design of the proposed development instead of the generic “anywhere look” shown in the proposed plans.) This principle is outlined in the Merlone Geier Project Description 03/10/21 on p.7: *“Create new housing offerings to meet the needs of families of varying sizes and reduce the recognized regional and local deficit of market-rate and affordable housing.”* The current plans show less than 2% (24 of 1,443 total units) with three bedrooms. In order to serve families, a much wider range of options including townhomes and three-bedroom options are necessary.

Further, the new housing must form a true neighborhood organized around tree-lined, walkable streets. New residential units should include market rate and affordable family, workforce and senior housing with ownership and rental options. We do not endorse the proposed “all the same” option of 1- and 2-bedroom rental-only units. It is also important that affordable housing be integrated throughout the complex and not segregated in a separate substandard building (less square footage per unit, no laundry hookups, no pool, no internal parking, etc.) All new housing should be of high quality, compatible with nearby buildings, and respect the character-defining features of the surrounding neighborhood. Individual units should provide some private outdoor areas such as decks or patios.

The height and density of the housing should be planned to blend in scale and character with the existing residential neighborhood and gradually stepped with increased setbacks and lower heights on the South side near the unique mid-century modern one story Eichler homes. The Preferred Alternative should distribute residential buildings more widely on the site with taller buildings toward the center, Western and Northern portions of the site. This is consistent with the applicant's objective *"maintaining a scale consistent with the surrounding community"* (Applicant Planning Application, p.6; GP2040 NH-133, p. 116.)

City References: GP 2040 CDP p. 5-8; Goal CDP-2 p. 5-12; Policy LU-3.2 p. 3-33; Programs CDP-4.1 A through C, design guidelines and standards; Policy CDP-4.5 high density design; Policy CDP 4.6 open space in multi-family housing

Merlone Geier References: March 10, 2021 Project Description p. 6-7

Diagram: New Housing – A New Neighborhood in Phase 1 and 2



C. Critical Connections – Phase I

The Northgate redevelopment must optimize connections to existing transit bus, train and the surrounding community and must complete the Promenade around and through the site and to the SMART train station. This is outlined in the GP2040 and other documents including the Merlone Geier Project Description. We request that the Preferred Alternative include a completed Promenade, including pedestrian and bike paths fully encircling the property, extending into the new Town Center and along the Northgate 3 property to the Civic Center and SMART train station as shown in the North San Rafael Promenade Conceptual Plan and as described in the Merlone Geier Project Description: “Upgrade the appearance of the buildings and landscaping and incorporate Promenade improvements as described in the North San Rafael Promenade Conceptual Plan.”

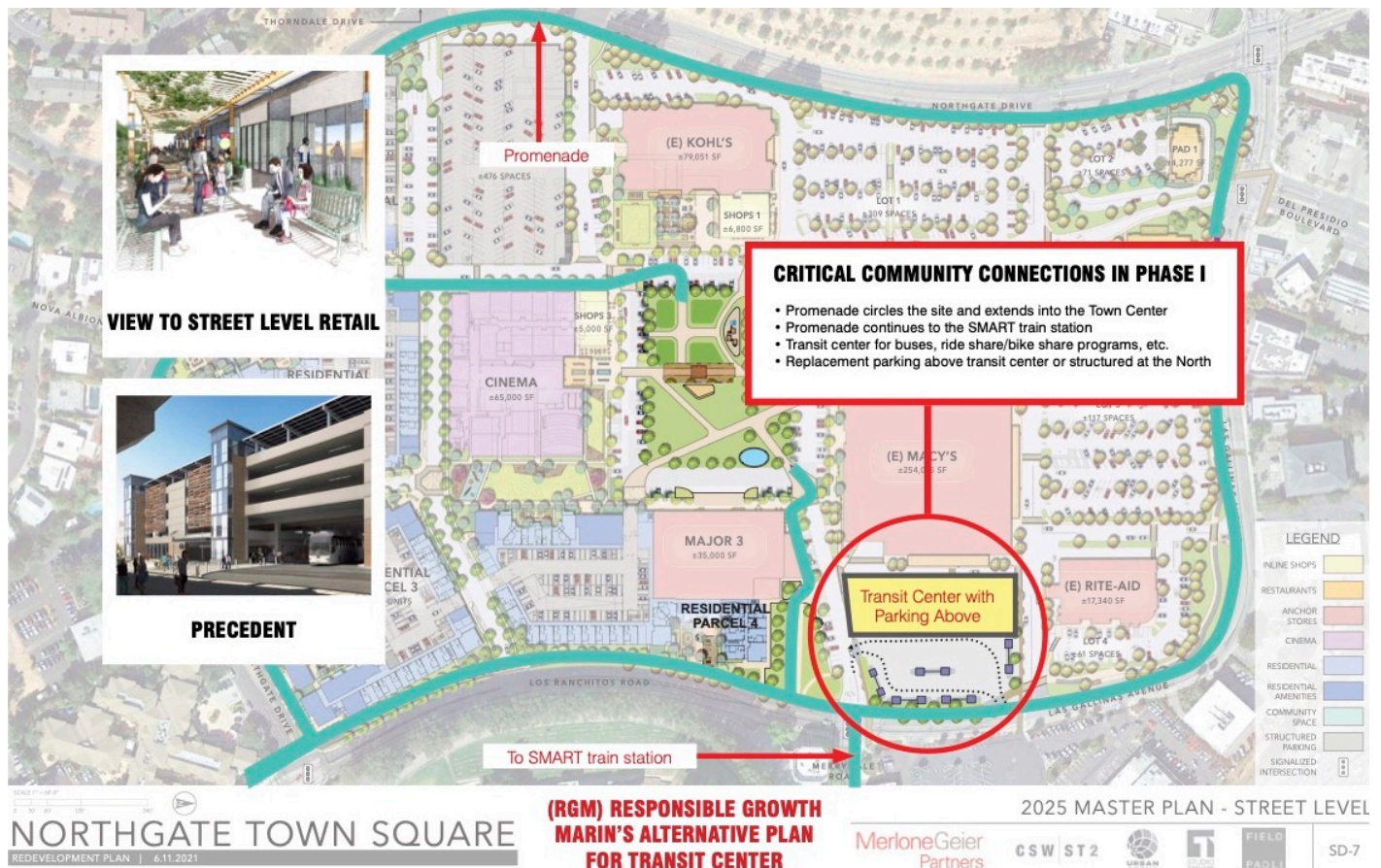
The Preferred Alternative should also show provide consolidated bus stops and provide safer off-street stops, especially the East side near Rite Aid along Las Gallinas Ave where many Terra Linda High School students arrive and depart. This will greatly improve safety and reduce traffic congestion.

RGM also recommends that the project consider design for electric car and bike share programs and the future of automobile ownership. If less parking is needed in the future, how can that space be better utilized?

City References: GP2040 Sections: Goal M-5 p. 10-37; Goal M6 p. 10-40; Goal M6 p. 10-40; Policy M-6.1 p. 10-43; Policy M-6.3 p. 10-44; Policy CDP 2.4 p. 5-14; Policy CDP 2.6 p. 5-15; Policy NH-4.4 p. 4-57; 2012 San Rafael Station Area Plan p. 11, General Plan Policy C-24a, p. 189

Merlone Geier References: March 10, 2021 Project Description p.6-7

Diagram: Critical Connections – Phase I



Evaluation of Environmental Impacts

We request that the following potential environmental impacts of the Northgate Mall Redevelopment Project/Northgate Town Center be evaluated in the project's Draft Environment Impact Report.

1. Aesthetics

- a. The Draft EIR should include baseline nighttime lighting studies from multiple viewpoints facing the Project site, including the historic one-story residential Eichler neighborhood (note that the backyards and back walls of these homes, which consist mostly of glass panels, face the Project site); residences and businesses on Quail Hill; senior facilities such as Alma Via and Villa Marin; and nearby institutions such as Mt. Olivet Cemetery.
- b. Architectural renderings alone are insufficient to visualize how the project will appear to and affect nearby residents, pedestrians, and cyclists and vehicles approaching and entering the property from each direction. Please include computer-rendered visual simulations from multiple locations around the project site: how will structures in the proposed project actually look at street level along Northgate Drive, Nova Albion Way, Las Gallinas Avenue, and Los Ranchitos Road and from elevated locations at Merrydale Road, and from Quail Hill? Please also provide visual simulations for how the privacy of the single-level Eichler homes bordering Northgate Drive and up Nova Albion Way will be affected. Please assess and provide visual simulations for the lighting changes at the Alma Via Senior facility across the site.
- c. Please include Project features that minimize glare and light impacts to the surrounding neighborhoods.
- d. Please provide computer-rendered visual simulations from public circulation points to surrounding hillsides to assess potential adverse effects on scenic vistas of surrounding hills and scenery.
- e. Impacts of new sources of lighting in the proposed project need to be evaluated at the same locations as the lighting studies and possible mitigation measures, such as limits on hours of nighttime lighting and modifications in lighting design and shielding, should be included. The impact of increased lighting on nearby resident wildlife should also be considered.

2. Air Quality

- a. Considering the multi-year construction period and potential health impacts and odor nuisance from construction equipment exhaust, please require that all (including leased or rented) construction and earthmoving equipment meet or exceed Tier 3 emission standards established by the U.S. Environmental Protection Agency (in addition to the required compliance with the California Air Resources Board's Off-road Diesel Regulation and Large Spark-ignition Regulation, which are fleet-oriented).
- b. Please identify existing and proposed diesel emergency generators (at the Mall, nearby businesses, senior facilities, etc.) and model potential health risks associated with their emissions. Please consider replacing existing older diesel emergency generators with new, less-polluting units.
- c. Please provide ambient air quality impact modeling for both construction and the operational phase of the Project for Phase 1 and 2.

3. Biological Resources—The Draft EIR should investigate the impact of the proposed development on wildlife movement from surrounding hills to the riparian corridor along Gallinas Creek and nearby Baylands. Construction and fencing of the SMART rail line has limited the habitat corridor for deer and other wildlife that previously used the train tracks to access riparian and Bayland water sources and forage. Further limitation of this wildlife corridor and possible mitigation measures should be evaluated.

4. **Energy**
 - a. The Draft EIR should evaluate how energy usage will be increased by the project and how to incorporate renewable energy into residential and commercial buildings that can be powered by renewable electrical energy. Please consider including solar shade structures on new and existing parking lots, roof-top solar on new buildings, and micro-wind turbines as part of the Project design.
 - b. The Preferred Alternative should include the capability of preparing for power outages by being site-ready for a micro-grid of energy production and onsite storage.
5. **Geology and Soils** – A geotechnical study should assess soil type and geology relative to site construction and foundation design and should include mitigation measures for any special construction measures for foundation or soil preparation (such as noise and vibration impacts if blasting or pile-driving are required).
6. **Greenhouse Gas Emissions** — Baseline, project and cumulative measurement of GHGs and how these impact local and statewide mandates to reduce GHGs need to be included in the Draft EIR.
 - a. Please include the following in the Project design: low carbon concrete building materials, all-electrical hookups for residential and commercial buildings, electric vehicle (EV) charging stations and EV car share, rooftop and parking lot solar panels, all-electric landscaping equipment, GHG-free outdoor heating and cooking equipment, and organic waste disposal facilities in all residential, commercial and public areas.
 - b. Please require cool pavement surfaces with higher solar reflectance to decrease absorption of heat which maintains higher temperatures into the night in the surrounding areas.
 - c. During the construction phase, require construction equipment and vehicles to not idle.
7. **Hazards and Hazardous Materials**
 - a. Since this project is introducing residential use to this property, assessment of potential hazardous materials in existing buildings and in soil and ground water that could create a significant hazard to future residents and to the public should be assessed (particularly at the site of the former SEARS auto repair business and near adjacent gas stations and near the former Toscalito repair business.).
 - b. Potential exposure to hazardous materials or emissions during construction needs to be evaluated, particularly for sensitive populations, such as residents of nearby senior facilities such as Alma Via, Villa Marin, and Drake’s Terrace.
 - c. Potential discharge of hazardous materials into ground and surface water needs to be evaluated both during construction and from ongoing increased hard surfaces and number of vehicles. Mitigation measures for removal of toxins from water must be specified, if relevant.
 - d. Per San Rafael integrated pest management policy, investigate how landscaping can be managed without pesticides harmful to the environment.
8. **Hydrology and Water Quality**—The project is sited on the lower end of the Gallinas Creek watershed. Surface and underground water flow from the site downhill to the south fork of Gallinas Creek. During high water flow, Gallinas Creek frequently runs at or over its banks. An important pump station of the Las Gallinas Valley Sanitary District is located near Gallinas Creek on Merrydale Road. It is critical for the health of the community, riparian and wetland habitat, and water quality in San Pablo Bay that surface water management be carefully managed.
 - a. The Draft EIR must include an assessment of baseline runoff water flows from the project site and assess the impacts of an increase in impervious surfaces on future runoff flows.
 - b. Project design must aim to minimize and enhance the quality of surface water runoff, including creation of bio swales within the project and along Merrydale Road.

- c. During construction, evaluate measures to control increased or contaminated runoff, such as sediment barriers, trash capture, and proper treatment of water used in construction before it is discharged into Gallinas Creek or groundwater.
- d. Please include plumbing for reclaimed water for toilet flushing and greywater for landscape design as part of the Project design.

9. Noise

- a. Baseline noise studies should be done at multiple times on different days at multiple locations, including nearby homes such as Eichler homes with large single pane glass windows, senior facilities such as Alma Via, Villa Marin, Drake's Terrace, residences and businesses on Quail Hill, and nearby institutions such as Mt. Olivet cemetery and Guide Dogs for the Blind.
- b. Projected increased noise levels for the project at these multiple locations should be studied, including noise from outside and rooftop activities, noise levels during construction, and cumulative noise impacts of other nearby projects, such as Northgate Walk and 245 Nova Albion Way (previously Nazareth House), which may be under construction simultaneously.
- c. Noise-reducing measures need to be evaluated, such as limiting construction to regular business hours on weekdays, using vibratory pile driving/auguring rather than impact driving if any pile driving is required, and structural noise-reducing measures such as baffling.

10. Public Services

- a. The Draft EIR should provide statements from San Rafael City Elementary and High School districts to predict the effect on school facilities and services of increasing the population of Terra Linda by approximately 10%. The project proposes 1,443 homes (which would equal approximately 3,000+ residents and approximately 100 new students (per San Rafael City Schools Development Impact Report 2021.8.23, p. 16-17).
- b. The Draft EIR should assess the need for increased public services, such as a permanent branch library, satellite City Hall office, or police substation on the project site.
- c. Please discuss to what extent the Project will generate a need for additional public services, the cost of such services, and how those services will be paid for not only in terms of upfront development, but also long-term estimated costs needed to provide future services (to the extent not covered by upfront development fees or direct payment through specific funds).

11. Parks and Recreation

- a. The Draft EIR needs to provide an analysis of local available parks within a 0.5 mile radius and provide onsite mitigation options for lack of proximate and adequate parkland space for new residents. Only pocket parks exist in proximity to the site and they are inadequate and in severe disrepair. (Oliver Hartzell Park is 0.5 acre with a rusted playground and Arbor Park is 0.5 acre with no playground or other amenities)
- b. Please discuss how the Project would meet the following City standards: *"General Plan 2040 proposes a standard of 4 acres per 1,000 residents moving forward. If the proposed development were a new residential subdivision, the Quimby Act would allow the City to require parkland dedication at this ratio or the pay an equivalent ("in lieu") fee in order to maintain the standard as the city grows."* (GP2040, p. 7-7) The proposed project includes about 2 acres of semi-private park and recreation space for new residents (interior courtyards, pool decks, rooftop terraces, etc.) and about 1 acre of public park and recreation space, which decreases to 0.5 acre by Phase 2 of the project. An increase of 1,443 housing units (approximately 3,000+ new residents) would require over 12 acres of parkland space by City standards. The Preferred Alternative must consider how the project can fulfill City standards.

- c. The Draft EIR should include an assessment of the timing of development of parkland space, assessing impacts of providing needed parkland space concurrent with housing construction and potential negative impacts of delaying parkland dedication until after residential and commercial space is constructed. Please include the creation of a permanent central public “town center” in place of Parking Lots 5 and 6 to compensate for insufficient parkland space.

12. Transportation

- a. The Draft EIR will include a Vehicle Miles Traveled (VMT) analysis. We request that the separate Level of Service (LOS) analysis required for project approval (GP2040) be prepared at the same time and included in the Draft EIR as an appendix or be released simultaneously with the Draft EIR for public review.
- b. Emergency vehicle access and response times to the project site and to adjacent neighborhoods need to be assessed under current conditions (baseline), under project completion, and under cumulative conditions with additional projected development.
- c. The Project design should include measures to enhance safety for pedestrians, cyclists, and vehicles on roads, walkways, and paths. Alternatives for increasing safety, including roundabouts, should be considered.

13. Utilities and Service Systems

- a. Given the limitations on water supplies in Marin County and the likelihood of future severe drought, the Draft EIR needs to assess how the Project can provide sufficient water supplies and have a net-zero impact on its potable water supplies, a requirement that the Marin Municipal Water District (MMWD) currently considers imposing on all new development. Project features or mitigation measures such as using recycled water inside buildings and for landscaping, using water-saving upgrades, planting drought-tolerant landscaping, and paying fees for MMWD’s water conservation projects should be examined.
- b. The Draft EIR needs to examine how the Project will impact the availability of police, fire, paramedic and other essential service workers and require measures needed to maintain acceptable service ratios and response times.
- c. Assessment needs to be made of impacts and mitigation measures for the increased demand for management of solid waste, organic waste collection and recycling collection, as mandated by California law. Impacts on water, waste collection and sewage treatment providers, including impacts on the aging pipes and infrastructure, need to be assessed.

14. Wildfire

- a. Assessment should be made of fire resistance qualities of construction materials and project design.
- b. The need for emergency response and evacuation plans should be included in the environmental assessment.
- c. Since this project is sited at the gateway for the entire community of Terra Linda, maps of primary and secondary evacuation routes, staging areas, and evacuation centers for both the project property and for the entire Terra Linda valley should be included, both with and without the project and with cumulative projected development in the area.
- d. Provision of emergency water sources, power sources and shelter, and possibly an onsite disaster response trailer (like the Corte Madera emergency response trailer) and emergency training for property employees should be in the project evaluation.

Documentation

For all sections evaluated in the Draft EIR, please include all studies and modeling conducted for the environmental assessment as appendices. Please make any associated modeling files (air quality, noise, traffic, etc.) available in native electronic format without password protection.

Thank you for your attention to these important matters.

Respectfully submitted,

Responsible Growth in Marin

Shirley Fischer, EIR Team Leader

Grace Geraghty, Executive Director

Claire Halenbeck, Community Vision Team Leader

Byron Kuth, FAIA, LEED AP, Kuth Ranieri Architects

Pamela Reaves, Environmental Team Leader

David Smith, President

Leslie Mendez

From: Sophie Shehi [REDACTED]
Sent: Tuesday, January 11, 2022 8:31 AM
To: Planning Public Comment
Subject: Northgate Mall


I am writing to give my input on the redo of the Northgate Mall.

- 1)- one of my concerns is the height of the proposed buildings. 5 stories does not fit in the surrounding area.
- 2)-the construction of the Town Center will be done on the very last stage of construction. If anything -this should be done in the initial stages.
- 3)- the number of housing units is excessive. The number of units in The Millennium Tower in San Francisco is around 600. The proposed number for the Northgate Mall is more than double that. Again-it does not fit in to the surrounding neighborhood.
- 4)- when we are in the middle of a drought-a proposal for an extremely large commercial and residential project-doesn't make any sense. Where will the water come from?
- 5)-on a good day-our San Rafael police-are stretched extremely thin. There are only 2 officers assigned to the Terra Linda area. When you add this enormous development-with all the thousands of people being added to our community-permanently and commuting to jobs-how will the San Rafael's police be able to respond to the growing crime that comes with such a development?
- 6)- the developers said that commercial malls are all a thing of the past. That they are not financially viable. That doesn't make any sense. We have 3 extremely successful malls in Southern Marin. Strawberry-The Village and Corte Madera Center. They are shining examples of how to do it right.
- 7)-I'm definitely pro development of the Northgate Mall. I just want it to fit into our community. Where members of our community will want to go to. For shopping-dining and recreation.

Thank you-
Sophie Shehi
[REDACTED]
San Rafael, CA. 94903
[REDACTED]

Sent from my iPhone

From: [Regina Kretschmer](#)
To: [Planning Public Comment](#)
Subject: Fw: January 11th, 2022 meeting
Date: Saturday, January 8, 2022 1:46:52 PM

from: 

We have lived in Terra Linda since 1970 and over the years, obviously have since many changes, some positive and some negative.

My family and I are very concerned about the density and possible overpopulation of the planned Northgate development. Noise level, traffic impact, water, sewage, street accessibility for fire trucks and ambulances, and the list goes on.

Also, we find it very important that the housing should be a mixture of rentals and ownership, plus the rentals mainly, those should be intermingled and not segregated.

Thank you for your attention to these matters, just a few of many.

Regina Kretschmer

From: [John Andersen](#)
To: [Planning Public Comment](#)
Subject: Northgate redevelopment
Date: Tuesday, January 11, 2022 8:47:51 AM

Planning commission members:

I have reviewed the northgate redevelopment plan and would like to provide the following comment. The plan overall looks reasonable with one major issue. The plan as proposed will result in considerable traffic on the roads surrounding northgate. I understand the hope is that the new residents at northgate would have limited driving, but I think the commission must assume that is not likely to be the case. In addition, as a resident in this area, I have seen heavy weekday traffic (8am and 5pm) on frietas parkway to the freeway and regular traffic backup at las gallinas ave to del presidio blvd to frietas parkway without any new residential units at northgate. These problems could be mitigated by:

1. design for 4 traffic lanes on Northgate drive, los ranchitos road, and las gallinas avenue.
2. use synchronized traffic lights on las gallinas avenue, los ranchitos road, and del presidio blvd.
3. consider adding a new southbound freeway onramp at merrydale.

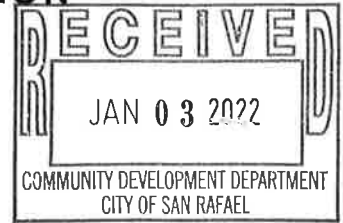
If the traffic is not mitigated I expect serious traffic backup around northgate if the redevelopment plan goes forward as planned. If these mitigations can not be done then the redevelopment plan must significantly reduce the number of residences to allow for reasonable traffic on the existing roadways.

Thank you for your time.

John Andersen
Terra Linda Resident



NATIVE AMERICAN HERITAGE COMMISSION



December 16, 2021

Tricia Stevens, Consulting Planner
City of San Rafael
1400 Fifth Street
San Rafael, CA 94901

Re: 2021120187, Northgate Mall Redevelopment Project, Marin County

Dear Ms. Stevens:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

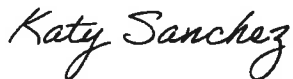
1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse