



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works
Community Development

Prepared by: April Miller, DPW Director
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City Manager Approval: _____

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TOPIC: TRANSIT CENTER RELOCATION DRAFT ENVIRONMENTAL IMPACT REPORT UPDATE

SUBJECT: INFORMATIONAL UPDATE FROM GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT REGARDING THE NEW DOWNTOWN SAN RAFAEL TRANSIT CENTER (FILE P21-012)

RECOMMENDATION: Accept the report.

BACKGROUND

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

Staff reviewed the SRTC DEIR and provided a list of comments for City Council review at the [October 4, 2022 City Council Meeting](#) and after accepting public comment, adopted a resolution authorizing staff to proceed with preparing a written response to the District for the Mayor's signature. That written response was prepared, signed and delivered to the District on October 11, 2021, within the deadline specified in the NOA.

The next step would be for the District to respond to comments received and either:

1. **Prepare an updated DEIR and recirculate the DEIR for additional comments.** The District would then have to respond to additional comments received before preparing a Final EIR for certification; OR

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

2. **Prepare a formal response to comments and a Final EIR.** The District would be required to prepare a written response to comments at least 10 days prior to certifying a Final EIR (CEQA Section 15088).

CEQA Section 15088.5 provides specific thresholds for when a Draft EIR requires recirculation as follows:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

District staff have stated that they believe they can respond to City comments without triggering the above requirement to recirculate a DEIR. Therefore, the District does not expect to release a revised DEIR for recirculation and will instead prepare a response to comments document and incorporate updates into a Final EIR document. As stated above, the District is required to prepare a written response to comments at least 10 days prior to certifying a Final EIR (CEQA Section 15088). However, District staff have stated they will provide a written response (expected to be released October 18, 2022) and provide an extended review period of 30 days to allow the City time for review of the District's response.

Over the past year, City of San Rafael staff have been working collaboratively with District staff and consultants through several meetings to help provide clarification and address the comments provided in the October 2021 letter. To staff's knowledge based on these meetings, there is not anything that would indicate that the preferred alternative was not properly assessed. However, the City has not received written response to any of the comments provided, therefore, staff is unable to provide a comprehensive analysis regarding the adequacy of the responses at this time.

Next steps and CEQA Noticing requirement

District Staff will be providing a presentation with a status update on October 17, 2022, and are expected to release a response to comments and a Final EIR for review on October 18, 2022. Staff expects to provide an update at a future City Council meeting.

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

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

RECOMMENDATION: Accept the Report