

4.0 SETTING, IMPACTS, AND MITIGATION MEASURES

This chapter contains an analysis of each potentially significant environmental impact that has been identified for the proposed Northgate Mall Redevelopment Project (project). The following discussion describes: (1) how a determination of significance is made; (2) the environmental issues addressed in this chapter; (3) the context for the evaluation of cumulative effects; (4) the format of the topical issue section; and (5) an evaluation of the project's environmental impacts in Sections 4.1 through 4.15.

DETERMINATION OF SIGNIFICANCE

The California Environmental Quality Act (CEQA) defines a significant effect as a substantial, or potentially substantial, adverse change in the environment.¹ The “environment” means the physical conditions existing in the area, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Each impact evaluation in this chapter is prefaced by criteria of significance, which are the thresholds for determining whether an impact is significant. These criteria of significance are based on the *State CEQA Guidelines* and applicable City of San Rafael (City) policies. As Lead Agency for environmental review of the proposed project, the City of San Rafael has the discretion to formulate project-specific thresholds of significance and to identify quantitative and qualitative standards, as appropriate, for the evaluation of potential environmental effects.^{2,3} Given the environmental setting and location of the project area and the scale and complexity of the proposed project, the City has chosen to develop project-specific thresholds, which are adapted from Appendix G of the *State CEQA Guidelines* using relevant local and regional regulatory, planning, and policy documents (e.g., the City's General Plan) modified as appropriate to the local setting for the resource topic being evaluated and the potential environmental effects of the proposed project. Appendix G checklist questions that are not relevant to the project location or proposed actions are not included as significance thresholds for specific topic areas.

In determining whether a project's impacts are significant, an Environmental Impact Report (EIR) ordinarily compares the environmental conditions with the proposed project to the existing environmental conditions, which are referred as the “baseline” for the impact analysis. The baseline most commonly used is based on environmental conditions in existence at the time that the Notice of Preparation (NOP) was published, which for the proposed project was December 9, 2021. However, as authorized under CEQA and upheld by the courts, the City has determined that this EIR should evaluate impacts of project operations (as opposed to project construction) compared to a baseline of normal shopping center operations rather than the reduced level of activity that was experienced due to the COVID-19 state of emergency that was in effect in 2021. The existing condition descriptions and comparative analysis of project impacts in this EIR assumes full occupancy of the Northgate Mall's total existing gross leasable area (i.e., the total building square footage on the project site without the parking structure) of approximately 766,507 square feet.

¹ California Public Resources Code Section 21068 (2022).

² *State CEQA Guidelines*. 2023. Section 15064.7.

³ *Rominger v. County of Colusa (2014) 226 Cal. App. 4th 690*.

ISSUES ADDRESSED IN THE DRAFT EIR

Sections 4.1 through 4.15 of this chapter describe the environmental setting of the project as evaluated in the EIR and the impacts that are expected to result from implementation of the proposed project. Mitigation measures are proposed to reduce potential impacts, where appropriate. The following environmental issues are addressed in this chapter:

- 4.1, Land Use and Planning
- 4.2, Population and Housing
- 4.3, Visual Resources
- 4.4, Cultural Resources
- 4.5, Tribal Cultural Resources
- 4.6, Geology and Soils
- 4.7, Hydrology and Water Quality
- 4.8, Hazards and Hazardous Materials
- 4.9, Transportation
- 4.10, Air Quality
- 4.11, Greenhouse Gas Emissions
- 4.12, Noise
- 4.13, Public Services and Recreation
- 4.14, Utilities and Service Systems
- 4.15, Energy

Preliminary analysis determined that development of the proposed project would not result in significant impacts to the following environmental topics: agriculture and forestry resources, biological resources, mineral resources, and wildfire. Consequently, these issues are not examined in this EIR and are briefly addressed in Chapter 5.0, Other CEQA Considerations.

Section 4.1 discusses consistency with the City's land use and planning policies, including the General Plan and the Zoning Ordinance. It should be noted that, according to CEQA, policy conflicts do not, in and of themselves, constitute a significant environmental impact. Policy conflicts are considered to be environmental impacts only when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. Any such associated physical environmental impacts are discussed in the Initial Study or appropriate sections of this EIR. City decision-makers will further evaluate zoning compliance and other policy considerations when considering approval of the proposed project.

CUMULATIVE ANALYSIS CONTEXT

CEQA defines cumulative as "two or more individual effects which, when considered together, are considerable, or which can compound to increase other environmental impacts." Section 15130 of the *State CEQA Guidelines* requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual 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. These impacts can result from a combination of the proposed project together with other projects causing related impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

The cumulative discussions in Sections 4.1 through 4.15 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, citywide, regional). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. CEQA requires that cumulative impacts be discussed using either a list of past, present,

and probable future projects producing related or cumulative impacts, or a summary of projections contained in an adopted local, regional, or Statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. There are no applications for potential projects within the project area currently on file with the City; therefore, a list-based approach is not used in this analysis. It is also therefore assumed that there would not be any projects within the vicinity of the site that would be under construction at the same time as Phase 1 of the proposed project. Future projects that could be under construction at the time that Phase 2 is developed are unknown at this time, and any analysis of such individual future projects occurring concurrently with construction of the proposed project would be speculative. This project-specific analysis employs a projection-based approach and takes into account growth from the proposed project in combination with impacts from projected growth within San Rafael, as forecast by the San Rafael General Plan 2040. The projected growth resulting from implementation of General Plan 2040, which was evaluated in the General Plan EIR, includes 4,460 new residential units, 8,910 new residents, and 4,155 new employees. As of the publication of this EIR, there have been no projects that are under construction, and no projects that have been approved or are currently under review that would require a General Plan Amendment. Therefore, no adjustments have been made to the projections included in General Plan 2040.

FORMAT OF ISSUE SECTIONS

The environmental topical section is composed of two primary parts: (1) Setting, and (2) Impacts and Mitigation Measures. The following provides an overview of the general organization and the information provided in those two parts:

- **Setting:** The Setting section for each environmental topic generally provides a description of the applicable physical setting (e.g., existing land uses, existing traffic conditions) for the project site and its surroundings in San Rafael. It also provides an overview of regulatory considerations that are applicable to each specific environmental topic.
- **Impacts and Mitigation Measures:** The Impacts and Mitigation Measures section for each environmental topic presents a discussion of the potential impacts that could result from implementation of the proposed project. The section begins with the criteria of significance, which are the thresholds used to determine whether an impact is potentially significant. These thresholds are adapted from Appendix G of the *State CEQA Guidelines* and apply local and regional criteria applicable to the project area. The latter part of this section presents the potential impacts from the proposed project and mitigation measures, if necessary. The potential impacts of the proposed project are organized into separate categories based on the criteria listed in each topical section. Cumulative impacts are also addressed.

Under each category, evidence is presented to show the cause-and-effect relationship between the proposed project and potential changes in the environment. In accordance with *State CEQA Guidelines* Section 15126.2(a), this EIR is required to “identify and focus on the significant effects of the proposed project on the environment.” The magnitude, duration, extent, frequency, and range or other parameters of a potential impact are ascertained to the extent feasible to determine whether impacts may be significant. In accordance with CEQA, potential project

impacts, if any, are classified as follows for each of the environmental topics discussed in this EIR:

- **Significant Impact (S):** This classification refers to impacts that are identified as potentially significant because the established threshold would be exceeded with implementation of the proposed project. This determination is made prior to identification of mitigation measures.
- **Less than Significant Impact (LTS):** Less than significant impacts are environmental impacts that have been identified but are either not potentially significant or can be feasibly mitigated to a level of insignificance. If the proposed project is approved, the decision-making body is required to make findings pursuant to *State CEQA Guidelines* Section 15091 that significant impacts have been mitigated to the extent feasible through implementation of mitigation measures, if required.
- **Significant and Unavoidable Impact (SU):** This classification refers to impacts that are significant, cannot be mitigated with implementation of feasible mitigation measures, and that cannot be avoided with implementation of the project as proposed. If the proposed project is approved with significant and unavoidable impacts, the decision-making body is required to adopt a statement of overriding considerations pursuant to *State CEQA Guidelines* Section 15093 explaining why the project benefits outweigh those significant and unavoidable environmental impacts.

Significant impacts are numbered and shown in bold type, and the corresponding mitigation measures are numbered and indented. Impacts and mitigation measures are numbered consecutively and begin with an acronymic or abbreviated reference to the impact section (e.g., TRA for Transportation). The following symbols are used for their respective individual topics:

- LUP, Land Use and Planning
- POP, Population and Housing
- VIS, Visual Resources
- CUL, Cultural Resources
- TCR, Tribal Cultural Resources
- GEO, Geology and Soils
- HYD, Hydrology and Water Quality
- HAZ, Hazards and Hazardous Materials
- TRA, Transportation
- AIR, Air Quality
- GHG, Greenhouse Gas Emissions
- NOI, Noise
- PSR, Public Services and Recreation
- UTL, Utilities and Service Systems
- ENR, Energy