

**From** [REDACTED]  
**Subject:** Comments on the Northgate Development  
**Date:** February 6, 2024 at 12:49 PM  
**To:** april.talley@cityofsanrafael.org

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Hello April,

Environmentally, are they checking the possible carbon output from the potential development, going in the direction of Villa Marin and how high it might reach? As a resident of Villa Marin, on the 4th floor, I don't want bad air floating in my window.

Thank you,

Ivy Wellington

**From:** [REDACTED]  
**Subject:** FOR PUBLIC RECORD--RGM Comments on the Northgate Town Square Draft EIR (Recreation)  
**Date:** February 7, 2024 at 4:47 PM  
**To:** AprilT@cityofsanrafael.org  
**Cc:** Laura.Simpson@cityofsanrafael.org, Margaret Kavanaugh-Lynch Margaret.Kavanaugh-Lynch@cityofsanrafael.org, Lindsay Lara lindsay.lara@cityofsanrafael.org

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Dear April,  
Attached is a letter of comments by Responsible Growth in Marin (RGM) on the Northgate Town Square Draft EIR.

Would you please distribute this letter to the San Rafael Planning Commission as public comments for their February 13 meeting on the Northgate Town Square Draft EIR.  
Thank you,

David Smith, *President*  
Responsible Growth in Marin

Northgate DEIR Recreation.pdf





# Responsible Growth in Marin

Date: February 7, 2024

To: San Rafael Planning Commission

CC: Laura Simpson, Interim Community Development Director  
Margaret Kavanaugh-Lynch, Planning Manager  
April Talley, Northgate Project Manager  
Planning Division, City of San Rafael Community Development Department  
1400 Fifth Avenue, San Rafael, CA 94903

Re: Written Comments on Northgate Town Square Mall Redevelopment Project Draft Environmental Impact Report, Recreation (Section 4.13)

Dear Commissioners,

Responsible Growth in Marin (RGM) has reviewed the Draft Environmental Impact Report (DEIR) for the Northgate Town Square Project and would like to submit the following comments regarding the Recreation and Public Services section of the report. RGM is a non-profit, all-volunteer, grassroots organization comprised of 1000+ residents and businesses living and working in Marin County. We advocate for responsible growth that will enrich the community and promote a healthy, sustainable environment and quality of life for all.

RGM supports the overall objectives of the project to provide needed housing, create a town center/urban village, and provide new outdoor amenities and open spaces. However, we are concerned that the DEIR Recreation analysis does not adequately assess the Northgate Town Square Project's environmental impacts on the parks and recreation facilities in the vicinity of the project site and that these impacts are significant, requiring additional mitigation measures. Specifically:

- 1) **The DEIR assertion that “the proposed project would not result in an increase in 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, and impacts would be *less than significant*” (p. 4.13 -17) is unsupported.**

The DEIR asserts “The proposed on-site recreation and open space facilities are intended to serve the majority of new residents and the availability of recreational and open space uses on site would likely lessen the usage of existing parks in the vicinity of the project site because these amenities would be conveniently accessed by existing residents in the project vicinity.”<sup>1</sup>

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<sup>1</sup> Local neighborhood parks and recreational facilities in North San Rafael in proximity that could be used by new residents of the project include:

- i. Terra Linda Community Center (TLCC) and Pool House --the most frequently visited recreation facility in San Rafael (CPRMP, p. 60)—community center that provides city-operated pool for public use and swimming competitions, classes and programs for youth & adults & older adults, ceramics studio, outdoor patio and stage area, preparation kitchen, community rental hall.
- ii. Terra Linda Park -- the third most frequently visited park in San Rafael (CPRMP, p. 60)—community park including playground, picnic tables, lawn, and basketball court
- iii. Freitas Park—neighborhood park including playground, chess tables, a splash pad, picnic areas and tennis courts
- iv. Bernard Hoffman Field—neighborhood park including softball field, lawn and picnic tables
- v. Oleander Park—neighborhood park including playground, picnic tables, and lawns
- vi. Oliver Hartzell Park—neighborhood park including playground, picnic area and seating

While the proposed project will provide private courtyards and decks for new residents and public amenities such as dining tables, outdoor seating, artificial turf areas, nature play area, and a dog park, the onsite facilities will not sufficient meet recreation needs of new residents.

- a. Tennis courts, ball fields, basketball court, arts and crafts facilities such as a ceramics studio, youth & adult recreation classes, and a playground for younger children are not included in the project and 3500+ new residents will increase usage of and increased wear on these facilities and public parks, hastening the need for repair or replacement.
- b. Residents of Residential Unit #1 and the townhouses will not have access to a pool and would increase usage and wear of TLCC and Pool House, hastening the need for facility repair or replacement.
- c. The DEIR finds that with implementation of the proposed project, the City's parkland citywide standard of 4 acres of improved park and recreation land per 1000 residents would be maintained within the City's Sphere of Influence. (DEIR, p. 4.13-17; GP2040, p7-8) However, San Rafael's General Plan 2040 also states, "The addition of roughly 10,000 residents, as anticipated by General Plan 2040, would require another 40 acres of improved parkland." (GP2040, p. 7-7) The Northgate Town Square Project fails to meet this standard.
- d. This failure to provide adequate new parkland for new residents is further demonstrated by San Rafael requiring the project to pay parkland dedication in-lieu fees of \$1967.98 per dwelling unit available for purchase. (DEIR, p. 4.13.17) If the Project were providing sufficient new improved parkland for new residents, it would not be required to pay parkland dedication in-lieu fees under the Quimby Act "in order to maintain this standard as the city grows." (GP2040, p. 7-7)
- e. *In summary, this project provides an inadequate amount of accessible usable open space to new project residents and does not meet General Plan standards. This project will increase rather than lessen the usage of existing parks in the vicinity of the project.*<sup>2</sup>

**RECOMMENDED MITIGATION MEASURE: Decrease the project's impact on local parks by increasing usable open space, preferably in the Town Square, and include more recreation features, such as a playground for young children and a fitness course, to the project.**

- 2) **The DEIR does not include information from the 2023 City of San Rafael Parks and Recreation Master Plan (CPRMP, adopted April 17, 2023) which details the degraded condition of local neighborhood parks and recreational facilities in proximity to the project, most of which are near life end and need repair or replacement.**<sup>34</sup>

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- vii. Los Ranchitos Park—neighborhood park completed 2004; including sport courts, lawn, playgrounds
  - viii. Terra Linda Community Garden—is a city-operated garden with 70 rented plots. The garden is key-locked, only available to plot-holders, and not open to the general public. There is a waiting list of more than 60 applicants for plots, usually resulting in a waiting time of 3-5 years to rent a plot. With these restrictions, use by new residents of the project will be extremely limited.

<sup>2</sup> the project will provide 305,568 sf of usable open space (7.0 acres for 2296 new residents = 3.05 acres/1000 new residents) in Phase One and 377,409 sf of usable open space (8.7 acres for 3541 new residents = 2.45 acres/1000 new residents) in Phase Two (DEIR, p. 3-42; 3-52)

<sup>3</sup> San Rafael parks & recreational facilities are largely 60-70 years old, and "inevitable wear on these sites is evident. Systemwide infrastructure, including irrigation, paving, and support structures, are near or have reached the end of their useful life and require repair and/or replacement." In particular "... active use results in consistent wear on these amenities, particularly playgrounds and sport courts. The inventory of San Rafael's parks reveals a general need to update the City's playgrounds per code and accessibility and sport court renovation through a minimum of surface repavement." (CPRMP, p. 35)

<sup>4</sup> Priority deficiencies identified in City parks & recreation facilities in proximity to the project include (CPRMP, p. 72-105): Northgate Town Square Mall Redevelopment Project DEIR, RGM comments

- a. The Parks and Recreation Master Plan identifies 23.1 million dollars of needed park and recreational facility improvement and funding sources, as in the last fiscal year, of approximately \$1.5 million. (CPRMP, p. 122 ff.)
- b. In accordance with requirements from the Quimby Act and San Rafael Municipal Code 15.09, the project will be required to pay \$1967.98 per dwelling unit available for purchase (DEIR, p. 4.13.17) of in lieu fees because they are not providing the minimum “land for a local park sufficient in size and topography to serve the present and future needs of the residents of the subdivision.” (MC 15.09.025) For the 100 “for purchase” dwelling units in the proposed project, this would total \$196,798 in-lieu fees.

*The DEIR does not include requirements that the parkland dedication in lieu fees be used for improvements in local parks and recreation facilities.*

**RECOMMENDED MITIGATION MEASURE: Specify application of parkland dedication in lieu fees to repair, replacement and improvement of local North San Rafael parks and recreation facilities.**

**3) The DEIR does not analyze impacts of removing the toddler playground at Northgate Mall.**

- a. The existing recreational facility has been well-used by parents and caregivers with small children (under age 5) since 2009. (see photo 1 and 2).
- b. The DEIR does not mention removal of this recreational facility as parts of the plan to demolish Mall Shops East (DEIR, p. 2-1, 3-43)
- c. The DEIR states that the Town Square will contain “children’s nature play features” (DEIR p. 3-42), which the site plan and the project manager’s oral presentation in Design Review Board and community meetings describe as similar to the nature play feature in the Marin Country Mart shopping center (see photo 3). While perhaps an appropriate play area for older children (ages 6-12), *the nature play features are not an adequate substitute for the existing toddler playground at Northgate.*
- d. The DEIR lists the closest playgrounds to the project at Oliver Hartzell Park (approximately 0.35 mile south of the project site), Freitas Park (approximately 0.42 mile west), Los Ranchitos Park (approximately 0.75 mile southeast), and Lagoon Park (0.77 mile east). (DEIR, p. 4.13.7). None of these are sufficiently close to the project for parents and caregivers to access by walking with small children. *None of these public park facilities are an adequate substitute for the existing toddler playground at Northgate.* In addition, the playground facilities at Oliver Hartzell Park and Oleander Park are both at life end and need to be replaced (CPRMP, p. 87-88).

**RECOMMENDED MITIGATION MEASURE: Relocate the public toddler playground elsewhere in the project, preferably in the Town Square, where it is easily accessible to new residents and to the community.**

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Terra Linda Community Center (TLCC) and Pool House—correct high priority architectural, mechanical & electrical deficiencies (\$162,955)  
Terra Linda Pool House -- correct high priority architectural, mechanical & electrical deficiencies (\$130,795)  
Terra Linda Park -- Prepare a master plan for Terra Linda Park and Community Center: determine future improvements based on planning efforts (\$195,000) ; likely to include replace playground for safety and accessibility in the near term – near end of life span; Replace picnic tables and benches - end of life span; Resurface basketball court  
Bernard Hoffman Field -- Repair and/or replace irrigation system, support drainage improvements (\$572,000)  
Oleander Park— Resurface asphalt and concrete paving; Update play area - replace play structures near end of lifecycle, replace sand with fibar; Replace picnic tables (2) and benches (2) – end of life span (\$286,390)  
Oliver Hartzell Park -- Evaluate best recreational purpose for this site – playground structure is near end of life span and should be addressed; Replace picnic tables (2) and benches (2) - end of life span (\$13,000)



Photo 1



Photo 2



Photo 3

4) **The DEIR does not consider the impact of conversion of public open space to private open space in Phase 2.**

- a. In addition to the Town Square, Phase 1 includes “another outdoor amenity space consisting of 25,725 square feet of flexible turf area, a shipping container café, outdoor dining, lounge seating, and fire features” adjacent to the Kohl’s building. (DEIR, p. 3-42). This usable open space is available not only to future residents but also to the public.
- b. This additional green space area during Phase 1, which is one half the size of the Town Square, is an essential usable open space component of the park land provided by the project.
  - i. The DEIR states that this 25,725 square foot open space area is consistent with the project objectives to redevelop the existing mall facility into a town center, create a town center/urban core, and provide new outdoor amenities and open spaces, main street improvements and recreational opportunities (DEIR p. 3-25).
  - ii. This 25,725 sf open space area is consistent with GP2040 Policy NH-4.2 (GP2040, p. 4-56 ff) and several decades of previous San Rafael planning documents which emphasize the importance of the Northgate Town Center as public gathering place with additional outdoor public spaces that support public gatherings and “outdoor public spaces that support community activities and entertainment such as a public plaza for periodic arts and cultural events, outdoor cafes with music, restaurants with sidewalk or patio dining, children’s play areas, teen-centered spaces, and other uses that provide outdoor seating. Design of retail spaces should be flexible enough to support these types of activities in the future.” (GP2040, p. 4-56 ff)
  - iii. Together with the 48,075 sf Town Square, this space would provide almost 75,000 sf of public usable open space in the Town Center, not only for project residents but also for the entire North San Rafael community.<sup>5</sup>
- c. *Phase 2 of this project proposes to eliminate the above-discussed 25,725sf area of public open space and substitute six private residence courtyards, two rooftop decks and additional open space areas in two new residential buildings that would be private open space.* (DEIR, p. 3-52)
- d. *This demolition of one third of the public open space in the Town Center and substitution of private open space violates the intention of GP2040 to provide public gathering places in the Northgate Town Center.*

**RECOMMENDED MITIGATION MEASURE:** Retain in Phase 2 at least 25,725 square feet of public usable open space, including a flexible turf area, a shipping container café, outdoor dining, and lounge seating, and games (substituted for the fire features, which will be removed per GHG-1) in addition to the Town Square.

**RECOMMENDED MITIGATION MEASURE:** Enlarge the Town Square by eliminating 117 parking spaces adjacent to the 48,075 Town Square and expanding the Town Square into this space.

<sup>5</sup> North San Rafael population in 2018 was 30,200 residents (GP2040, p. 4-52)  
Northgate Town Square Mall Redevelopment Project DEIR, RGM comments

- i. Available commercial parking spaces in the proposed project reveal an excess of needed retail spaces in Phase 2. <sup>67</sup>
- ii. In Phase 1, 117 spaces could be accommodated by converting 936 of the 1995 available retail parking spaces from standard size (9 feet) to compact size (8 feet), yielding 936 extra feet of parking space (117 compact spaces)

***For all the above reasons, Responsible Growth in Marin endorses inclusion of options in the Northgate Town Square DEIR to enlarge the Town Square by relocating parking in the central lot; to relocate the existing toddler playground into the Town Square; to retain the same quantity of public open space in Phase Two; and to specify application of in-lieu parkland dedication fees to replacement and repair of North San Rafael parks and recreation facilities.***

Thank you for your consideration of these comments. If you have any questions, please feel free to reach out to Shirley Fischer at [REDACTED]

Sincerely,  
David Smith, RGM President  
Shirley Fischer, RGM Entitlements Team

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<sup>6</sup> In Phase 2, the number of commercial parking spaces required by San Rafael Municipal Code is 900 retail spaces. In Phase 1, the number of commercial parking spaces required by San Rafael Municipal Code is 1995 retail spaces. (DEIR, Appendix F, p. 21)

<sup>7</sup> The number of parking spaces provided in the proposed project is 1903 commercial spaces for Phase 1 (DEIR, p. 3-42) and 1,345 commercial spaces for Phase 2 (DEIR, p. 2-52).

**From:** [REDACTED]  
**Subject:** FOR PUBLIC RECORD--RGM Comments on the Northgate Town Square Draft EIR (Reduced Residential Alternative)  
**Date:** February 7, 2024 at 3:48 PM  
**To:** AprilT@cityofsanrafael.org  
**Cc:** Laura.Simpson@cityofsanrafael.org, Margaret Kavanaugh-Lynch Margaret.Kavanaugh-Lynch@cityofsanrafael.org, Lindsay Lara lindsay.lara@cityofsanrafael.org

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Dear April,  
Attached is a letter of comments by Responsible Growth in Marin (RGM) on the Northgate Town Square Draft EIR and a copy of the March 11, 2022 letter from EAH to the City of San Rafael.

Would you please distribute these two documents to the San Rafael Planning Commission as public comments for their February 13 meeting on the Northgate Town Square Draft EIR.

Thank you,

David Smith, *President*  
Responsible Growth in Marin

Northgate DEIR Reduced Residential Alternative 2-7-24...  
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# Responsible Growth in Marin

February 7, 2024

To: San Rafael Planning Commission  
CC: Laura Simpson, Interim Community Development Director  
Margaret Kavanaugh-Lynch, Planning Manager  
April Talley, Northgate Project Manager

Planning Division, City of San Rafael Community Development Department  
1400 Fifth Avenue, San Rafael, CA 94903

Re: Written Comments on Northgate Town Square Mall Redevelopment Project Draft Environmental Impact Report, Reduced Residential Alternative (Section 5.3)

Dear Commissioners,

Responsible Growth in Marin (RGM) is a non-profit, all-volunteer, grassroots organization comprised of 1000+ residents and businesses living and working in Marin County. We advocate for responsible growth that will enrich the community and promote a healthy, sustainable environment and quality of life for all.

RGM supports the overall objectives of the Northgate Town Square Redevelopment Project to provide needed housing, create a town center/urban village, and provide new outdoor amenities and open spaces. However, we are concerned about impacts of this project on the surrounding community and recommend endorsement of a project variant with fewer impacts.

As described in the DEIR, **the environmentally superior Reduced Residential Alternative (RRA)** would largely meet the project objectives and, through providing 63 fewer units in the project, would reduce some of the potentially significant impacts through reduced construction and operational building intensities, including an overall reduction in the number of vehicle trips generated to and from the site. (DEIR, p. 2-6)

We endorse the Reduced Residential Alternative (RRA) as a preferable project alternative but recommend a variant to this alternative that would provide significantly more benefits to the community while preserving the described reduction in potentially significant impacts. **This Reduced Residential Variant with Shorter Building 4 (RRVariant)** would entail eliminating the seventh story of Residence 4 (containing 61 units) and would preserve the 96 units of affordable housing in Residence 1 (11.1% of 861 units in Phase 1). This proposed RRVariant would still largely meet project objectives and would have comparable environmental benefits to the proposed RRA; would improve visual resources at the Los Ranchitos Road gateway entry to Terra Linda and the Northgate Town Square; would provide a better architectural transition to the surrounding 2-3 story buildings on Northgate Drive and Las Gallinas Avenue; and would decrease to some degree the noise and emission impacts on nearby sensitive receptors in Alma Via and Drake Terrace senior residential and assisted care facilities.

## **BACKGROUND**

When first submitted in 2021, the Northgate Town Square project proposed **1320 dwelling units, including 96 affordable housing units**: “Phase I of the project includes 96 affordable units on one parcel, which is 9.7 percent of the Phase I units, or 7.1 percent of the total units under the Phase II plans. Pursuant to General Plan policy LU-1.18, if a project in the North San Rafael Town Center provides affordable housing units in excess of the minimum requirement [5%] as stipulated in Resolution 14890, it is eligible for a 24-foot building height bonus. Height of buildings would be 5 stories or less.” (staff report, Planning Commission & Design Review Board study session, 9/14/2021, pp. 6, 9)

Over the last 2-½ years, the number of housing units in the project has grown from 1320 units to its maximum possible development of 1422 units, with 96 affordable housing units in the 942 units in Phase One (10.2 %) and 51 units in the 500 units in Phase 2 (10.2%). 100 units of the 1422 units are accommodated in town houses, and the remaining 1342 units are in five residential building ranging from 4 stories (1 building) to 5 stories (1 building) to 6 stories (1 building) to 7 stories (2 buildings). (2025 Master Plan, submitted 5/9/23). The project applicant now requests an incentive/concession/waiver as an entitlement under the California Density Bonus Law to increase the height limit for project buildings across the property to 78 feet, plus elevator penthouses and other projections for a total of up to 90 feet. (DEIR, p. 4-1-11)

### **1) Project Objectives**

Comparison of proposals for original, current, RRA, and RRVariant<sup>1</sup>:

	Original	Current	RRA	RRVariant
Total number of units	1320	1422	1359	1361
Affordable units (%)	96 (7.1%)	147 (10.2%)	136 (10%)	146 (10%)
Units Phase One	911	942	859	861
Affordable Phase1 (%)	96 (10.5%) <sup>2</sup>	96 (10.2%)	86 (10%)	96 (11.1%)
Units Phase Two	409	500	500	500
Affordable Phase 2(%)	0	51 (10.2%)	50 (10%)	50 (10%)

Per the above chart, ***the Reduced Residential Variant with Shorter Building 4 would be equivalent to the RRA with regard to number of housing units and percentage of units dedicated to affordable housing, and would actually increase the number of affordable units in the project by 10 units more than the RRA.***<sup>3</sup>

Commercial development, parking, open space and all of the other components of these two alternatives would be the same.

<sup>1</sup> Sources: staff report, Planning Commission & Design Review Board study session, 9/14/2021, p. 6, 9; Northgate Town Square 2025 Master Plan, submitted 5/9/23; DEIR p. 5-20;

<sup>2</sup> The cited staff report, p. 9 erroneously indicates this as 9.7%

<sup>3</sup> Note: this project should receive acknowledgment and appreciation for inclusion of all affordable housing onsite (DEIR, p. 4.2-11).

## 2) Analyzed Environmental Impacts

Since the RRVariant eliminates fewer units than the RRA, the DEIR's analysis of the RRA (DEIR, p. 5-19 to 5-26) would also apply to the Reduced Residential Variant with Shorter Building 4. Neither the RRA nor the RRVariant would avoid any of the significant unavoidable project impacts (noise and greenhouse gas emissions) as determined by the DEIR, **but both would reduce some of the potentially significant impacts.**

## 3) Preservation of Residence One

***The Reduced Residential Variant with Shorter Building 4 does not change the Residence One building***, which contains 96 affordable units, that would be managed by EAH Housing, a reputable affordable housing organization that would provide training and job search programs, parenting classes, financial literacy, tax preparation assistance, English as a second language and translation services, expanded learning and summer programs for youth, after-school homework help, and training through our on-site computer learning centers and technology lounges.<sup>4</sup> Preserving Residence One would allow a reputable affordable housing organization to provide supportive services and would also increase the number of affordable housing units during Phase 1 from 86 to 96 units.

## 4) Visual Resources and Gateway to Terra Linda and the Northgate Town Square

The wide-angle photographs with extensive foreground in the DEIR (DEIR, p. 4.3.7-13) do not accurately portray the height of existing buildings on the Northgate Mall property<sup>5</sup> or the proposed multistory buildings.

The southeastern gateway entrance to the Northgate Town Square and to Terra Linda is along Los Ranchitos Road. Despite repeated requests, the applicant refused to place any story poles or other devices onsite to indicate how high the 78 to 90 ft. Residence 4 will rise close to the sidewalk along Los Ranchitos Road and at the corner entry into the Town Square.

The DEIR does not assess the shadow and shade impacts on the proposed new quasi-public park/open space in the Town Square. The DEIR references a Merlone Geier shadow study, which is not provided in the DEIR Appendices nor in the submitted technical studies. While the DEIR describes that the most prominent shadows are cast around December 21, the referenced shadow study was conducted on July 23, 2023. The DEIR concludes that impacts of shadows from the existing buildings on the site are currently minimal because they do not shade Hartzell Park (0.35 miles away) or the hillside of Mt Olivet Cemetery. The DEIR further concludes "the proposed buildings included in both Phase 1 and Phase 2 of the proposed project would not cast any new shadows on surrounding uses, including the open space areas to the east and south." The DEIR does not assess the impact of shadows and shading on the immediately adjacent quasi-public Town Square that will be constructed in Phase 1 of the project, where the impact of shadowing from the 78 to 90 feet tall Residence 4 will be greatest. (DEIR, p. 4.3-44)

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<sup>4</sup> March 11, 2022 letter from EAH to City of San Rafael (sent with these comments)

<sup>5</sup> The photo from viewpoint 5 looking north from Hartzell Park is particularly misleading since it is not taken from the developed park playground but from the seldom-walked open space hill above the playground. (Hopefully the photographer was not inconvenienced by the poison oak covering this hill.) Similarly, the photo of Viewpoint 6 does not even show the shopping center (the photographer must have walked quite a distance up Nova Albion Way to take this shot.)

The DEIR does not adequately assess the visual impacts, including shade and shadowing of the seven-story Residence 4 on pedestrians entering and gathering in the Town Square. While not fully ameliorating the visual impact of Residence 4, the **Reduced Residential Variant with Shorter Building 4** **would decrease the height of Residence 4 from 78-90 feet to 68-80 feet, providing some benefit in reducing the visual mass of this entryway building.**

#### 5) Architectural Transition

- San Rafael General Plan 2040 clearly states that new development should incorporate sensitive architectural transitions to their surrounding neighborhoods. “Policy LU-3.2: New Development in Residential Neighborhoods. Preserve, enhance, and maintain the residential character of neighborhoods to keep them safe, desirable places to live. New development, redevelopment of existing buildings, and land use changes within and adjacent to residential areas should: Enhance neighborhood image and design quality.
- Incorporate sensitive transitions in height and setbacks from adjacent properties.” (DEIR, 4.3-16)

Commercial buildings nearby along Northgate Drive and adjacent to Residence 4 on Las Gallinas Avenue are 1-3 stories high. The transition from existing buildings to the proposed Residence 4 is dramatic and stark, rather than sensitive.

A seven-story building is out of character with the neighborhood image and design quality of the surrounding community. While the need for housing is great and housing quotas are mandated by the California Department of Housing and Community Development, it still behooves San Rafael to minimize insensitive transitions to existing neighborhoods as much as possible. **The Reduced Residential Variant with Shorter Building 4 can help mitigate the transition from the proposed intensive urban development to the adjacent existing low profile residential and commercial neighborhood.**

**For all the above reasons, Responsible Growth in Marin endorses inclusion of the Reduced Residential Variant with Shorter Building 4 as another Reduced Residential Alternative option in the DEIR for the Northgate Town Square Redevelopment Project.**

Thank you for your consideration of these comments. If you have any questions, please feel free to reach out to Shirley Fischer at [REDACTED]

Sincerely,  
David Smith, RGM President  
Shirley Fischer, RGM Entitlements Team

*Expanding the range of opportunities for all by  
developing, managing and promoting quality  
affordable housing and diverse communities.*



March 11, 2022

City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

**Re:** Northgate Mall Redevelopment, Affordable Housing Component

Dear Ms. Stevens and City Staff,

EAH Housing is eager to partner with Merlone Geier on affordable housing for the Northgate Mall redevelopment. We have a long history in San Rafael, where our organization was founded and is headquartered.

As envisioned in Parcel 1 of the master plan, our recommendation and firm belief is that the development of affordable housing in the initial phase of the revitalization of Northgate Mall has its own parcel as part of the broader redevelopment plan. The standalone building will allow the greatest number of affordable units, diversify the mix of income levels, ensure that the needed services are available for residents, and that these apartments remain affordable for the future.

Building a standalone affordable apartment development will best leverage the necessary financing resources available to create the greatest number of affordable apartments. As modeled with 96 apartments, the affordable development exceeds Merlone Geier's inclusionary obligation in the first phase and through Parcels 1-4. As a standalone building, EAH Housing may also access additional financial resources such as leveraging the Affordable Housing and Sustainable Communities Fund (AHSC), which could support the development of affordable apartments and provide the City with funding for transportation infrastructure and contributions to local transportation agency needs.

EAH Housing would be unable to provide the aforementioned services if the affordable apartments were scattered within the master-planned community. A standalone development would also best serve affordable housing residents at Northgate Mall as EAH Housing would manage the property and provide services to its residents. Programs for families include job training and job search programs, parenting classes, financial literacy, tax preparation

Expanding the range of opportunities for all by  
developing, managing and promoting quality  
affordable housing and diverse communities.



assistance, English as a second language and translation services, expanded learning and summer programs for youth, after-school homework help, and training through our on-site computer learning centers and technology lounges.

The perception that scattering the Affordable apartments throughout the development somehow provides greater social benefits is not the reality. It is true that concentrating affordable housing in low-cost neighborhoods leads to increased adverse outcomes and economic integration in mixed-income communities offers dramatic benefits, especially to low-income children. But the same research consistently finds that the benefits of integration come from locating in opportunity-rich, healthier, and safer *neighborhoods* and not from direct social interaction with higher-income neighbors. Meaning that while neighborhood-level integration is essential, building-by-building integration may offer no additional social benefits.

EAH Housing is committed to our properties for the long term. In our 52-year history, we have never sold a property that we developed. As a standalone development, the affordable housing component will have stable, consistent ownership and an owner committed to keeping the development affordable for the future. We are committed to continuing our work with the City of San Rafael and Merlone Geier Partners to ensure that the needs of low-income residents of San Rafael are not only met, but these families are given the opportunity to thrive.

Sincerely,

A handwritten signature in blue ink that reads "Laura Hall".

Laura Hall  
President and CEO, EAH Housing

**From:** notify@proudcity.com  
**Subject:** New submission from Northgate Town Square Draft EIR Comments  
**Date:** February 7, 2024 at 5:42 PM  
**To:** April.Talley@cityofsanrafael.org



**Name**

Nur Acosta

**Email**

[REDACTED]

**Comments**

Hello,

continuing my message, the height of the building is crazy, and it is very dense and does not fit our surroundings living in Terra Linda. I am not opposed to building affordable housing, such as two-story townhouses max three stories. How people will commute who will be living there, and whether there is no easy access to public transportation, people use cars.

The developers do not care, they want to make money as much as they want, and all these people are agreeing to build a monstrous place that does not live and does not commute here. You guys destroying our community. We love TR!

**From:** notify@proudcity.com  
**Subject:** New submission from Northgate Town Square Draft EIR Comments  
**Date:** February 7, 2024 at 5:23 PM  
**To:** April.Talley@cityofsanrafael.org



**Name**

Nur Acosta

**Email**

[REDACTED]

**Comments**

We are concerned about this 20-year project which will affect our living area. 1) Traffic, fumes from the cars, constructions, dust, asbestos, water quality and supplies, sewer. 2) We daily travel to school and work and back, and live above the hill on the Quill Hill townhouses. We already have limited access to the Highway, and usually busy days we get backed up. Our concern during the emergency and evacuation, it is will be dissaster. You guys forgetting the elementary, middle and high schools traffic daily, not including the Kaiser emergency room, how to the people will be getting in and o



**From:** Mayor Kate Kate.Colin@cityofsanrafael.org  
**Subject:** Re: Northgate Mall - don't lose SR's one and only pedestrian mall  
**Date:** February 7, 2024 at 11:48 AM  
**To:** [REDACTED] planning@cityofsanrafael.org, frontdesk@srchamber.com, Rachel Kertz Rachel.Kertz@cityofsanrafael.org, Maribeth Bushey Maribeth.Bushey@cityofsanrafael.org, Eli Hill Eli.Hill@cityofsanrafael.org, Maika Llorens Gulati Maika@cityofsanrafael.org  
**Cc:** April Talley April.Talley@cityofsanrafael.org, Lindsay Lara Lindsay.Lara@cityofsanrafael.org

Hi Mr. Moezzi - Thanks for caring about the future of San Rafael and I couldn't agree more that the Northgate Mall transformation will have lasting impact on our community.

As this project is now in the public review process, now is the time for the community to provide input on the project and I encourage you to participate in the upcoming meetings. The link to the city webpage for the project is below and there is a place to sign up for updates. Right now the Draft Environmental Impact Report is in its 'open comment' phase so if you have a moment, you can also provide specific input there as well. <https://www.cityofsanrafael.org/northgate-town-square-rev/>

I have included the appropriate city staff on this response so that your comments will also be a part of the official public record.

Warmly,  
Kate

Kate Colin (she/her/hers)  
Mayor, City of San Rafael



Follow the city on instagram: @thecityofsanrafael

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**From:** [REDACTED]  
**Sent:** Monday, February 5, 2024 12:40 PM  
**To:** planning <planning@cityofsanrafael.org>; [REDACTED] <[REDACTED]>; Mayor Kate <kate.colin@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Eli Hill <eli.hill@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>  
**Subject:** Northgate Mall - don't lose SR's one and only pedestrian mall

Dear Planning Dept, City Council, Chamber of Commerce, Mayor Kate, and Damon Connolly,

The Lawrence Halprin-designed Northgate Mall has been the center of North San Rafael's built environment since its debut in 1963. It's been through a couple of unfortunate remodels, but now with remote work and post-covid would be poised to make a comeback. It could be San Rafael's equivalent of the wildly popular Corte Madera Town Center. But unfortunately, Merlone Geier does not know how to run a mall - just look at their portfolio - and the Northgate Mall is about to be buried under multiple 7-story behemoth housing blocks more suited to Los Angeles. Once that happens, it's never coming back as a mall.

A walkable community gathering space and retail hub that everyone can get to easily is good town planning and has been for towns all over the world and throughout history. A mall would be great for the City of San Rafael, attracting economic activity, upgrading SR's reputation, and improving our quality of life. The City does not have a real mall and does not have another space for one. The City is very gung-ho about frequently closing off downtown's streets and sidewalks to make temporary pedestrian malls - but for some reason, the City and the Chamber of Commerce have shown absolutely zero interest in North San Rafael's already-existing, permanent pedestrian mall.

We've got a nice setting here for a mall, with plenty of room, easy and adequate parking and bike/walk/bus/Smart access, and with less of the urban, modern ills of downtown San Rafael like being too crowded, your terrible traffic problem, crime, and other nuisances. As you know, North San Rafael is geographically separate from South/Central San Rafael, ringed by some impressive hills (Loma Alta, Big Rock Ridge, and the San Pedro Mt massif), borders the Bay, and is a gateway to West Marin via Lucas Valley Road. Being a big valley, we still have a bit of a sem-rural feel held over from our post-Miwok dairies and ranches. We have lots of multi-family housing as well as more stylish modern architecture (Civic Center, Eichlers) than the rest of Marin put together. We are a great place for a mall - something interesting and Marin-y, practical and welcoming would be great. With no need to dine a foot away from speeding cars like downtown.

Merlone Geier's plan leaves us with only a dinky (1-acre) public space, which will bring no one there except the immediate residents.

Why isn't the City of San Rafael advocating for its only real mall? Please do so and make us an even better place to live and an asset to the City of San Rafael.

Thank you,  
R. Moezzi  
North San Rafael

**From:** notify@proudcity.com  
**Subject:** New submission from Northgate Town Square Draft EIR Comments  
**Date:** February 8, 2024 at 2:41 AM  
**To:** April.Talley@cityofsanrafael.org



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**Name**

Ashley Allen

**Email**

[REDACTED]

**Comments**

I hate this idea. We should have had a Costco put here and restored the mall back to its old design. This isn't going to help anyone. What we need is section 8 for everyone who makes less than \$50,000. Not this. I want a Costco, the 80s designed mall, and section 8.

**From:** [REDACTED]  
**Subject:** FOR PUBLIC RECORD: Northgate Town Square Draft EIR  
**Date:** February 8, 2024 at 1:09 PM  
**To:** AprilT@cityofsanrafael.org  
**Cc:** Laura.Simpson@cityofsanrafael.org, Margaret.Kavanaugh-Lynch@cityofsanrafael.org, lindsay.lara@cityofsanrafael.org

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Dear April,

Attached is a letter that includes comments on the Northgate Town Square Draft EIR.

Please kindly distribute this letter to the San Rafael Planning Commission as public comment for the upcoming February 13th meeting.

Thank you.

Janet Shirley  
San Rafael, CA

p.s. if you have any questions regarding the attached letter, please contact me at this email address. Thank you.

**Planning Commission letter  
Feb.2023.docx**  
14 KB



February 8, 2023

San Rafael Planning Commission  
San Rafael, CA 94901

RE: FOR PUBLIC RECORD, Northgate Town Square Draft EIR

Dear Commissioners,

I am writing as a concerned resident in response to the Draft Environmental Impact Report (DEIR) for the proposed Northgate Mall Redevelopment Project. While I support improving and modernizing the currently outdated mall site, I have serious concerns about the redevelopment plans in their current form.

My primary objection is to the proposed 7-story Residence 4 building. I urge you to remove the 61 units on the 7th floor and reduce the height to 6 stories maximum. This excessive height is out of character with the surrounding single family homes and apartments in our neighborhood. Reducing Residence 4 by one floor would allow it to better blend in with the neighborhood's scale and aesthetics.

Additionally, I ask that you eliminate the two drive-through restaurants currently slated for Phase One and Phase Two of the project. These will attract significant volumes of non-resident vehicular traffic, increase local emissions from idling cars, and promote automobile-focused development out of sync with the community's vision. I suggest replacing one drive-through with a much-needed supermarket that residents could conveniently walk to for groceries.

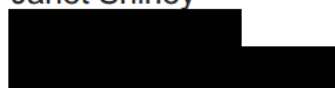
While the DEIR claims sufficient parks and recreation facilities are included, the amount of greenspace and amenities do not meet General Plan 2040 guidelines. I recommend enlarging the central Town Square to provide more open park space, adding a playground for young children, and utilizing park mitigation fees to fund improvements to nearby public parks and recreation facilities.

In summary, I urge you to address these concerns, particularly the excessive 7-story Residence 4 height, drive-through restaurants, and lack of adequate parks. This major redevelopment project must integrate into and enhance our existing neighborhood, rather than drastically alter its character and overburden infrastructure. I hope you will consider community feedback and make revisions to support an improved quality of life for both new and current residents.

Thank you for the opportunity to review and comment on this proposal. I look forward to your response.

Sincerely,

Janet Shirley

A black rectangular redaction box covering the signature area.

**From:** [REDACTED]  
**Subject:** SSR Comments on Northgate DEIR  
**Date:** February 9, 2024 at 10:37 AM  
**To:** AprilIT@cityofsanrafael.org  
**Cc:** Mayor Kate Colin > kate.colin@cityofsanrafael.org, Elias Hill eli.hill@cityofsanrafael.org, Maribeth Bushey maribeth.bushey@cityofsanrafael.org, Maika Llorens Gulati maika@cityofsanrafael.org, Rachel Kertz rachel.kertz@cityofsanrafael.org, Laura Simpson laura.simpson@cityofsanrafael.org, margaret.kavanaugh-lynch@cityofsanrafael.org, Cristine Alilovich cristine.alilovich@cityofsanrafael.org, Cory Bytof Cory.Bytof@cityofsanrafael.org

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April & all—  
Please distribute to the attached letter from Sustainable San Rafael commenting on the current Northgate DEIR to all concerned parties, including staff, EIR consultants, and Planning Commissioners who are scheduled to consider the DEIR at their upcoming meeting (2/13/24).

Thanks very much.  
—Bill Carney

**SSR letter on Northgate DEIR.pdf**  
80 KB





February 9, 2024

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Phil Muller  
Stuart Siegel

415.302.0110

San Rafael Planning Division  
1400 Fifth Avenue  
San Rafael, CA 94901

**RE: Comments on Northgate DEIR**

Honorable Commissioners and Staff,

Sustainable San Rafael is concerned that the Draft Environmental Impact Report (DEIR) finding that this project's greenhouse gas (GHG) impacts are "significant and unavoidable" is unfounded and subject to misunderstanding.

There is little question that GHG impacts can be mitigated, and that the final EIR could recommend ways to reduce these impacts below the level it defines as significant. To find otherwise signals to the general public that our collective efforts to mitigate GHG will fail. That's the wrong message.

To require the City Council to make a finding of "overriding considerations" in order to accept the EIR reinforces this message, saying in effect that other issues are more important than effectively addressing climate change.

At this time of intensifying heat, wildfire, flooding, drought and other climate effects, we now clearly know the paramount importance of reducing climate change. Yet repeated EIRs, using differing rationales, have recently asserted the same finding of "unavoidable" impacts.

These include San Rafael's EIR on General Plan 2040 and the State's EIR on wildfire fuel reduction, both programs that are in fact integral to addressing climate change. Likewise, the compact, all-electric housing and robust, walkable town center proposed at Northgate can become a model of climate-responsible development, if properly mitigated.

To that end, accepting this DEIR's rationale that compliance with local, regional, and state climate laws would reduce the level of GHG impact below "significant," we request that the final EIR include substantive analysis and mitigations in response to each of the questions and issues itemized below:

1. Given that the use of gas in a few restaurants is the primary trigger for the finding, can the developer mitigate the impact by agreeing to build only electric commercial kitchens?

- a) The fact that City code doesn't currently require electric appliances in restaurants (p. 4.11.24) does not preclude the developer or its tenants from installing them as a mitigation necessary to reduce GHG emissions below "significant" levels.
  - b) The final EIR needs to include an objective assessment of the market feasibility of induction cooktops and other electric appliances in commercial kitchens. The developer's assertion of infeasibility (p. App I-113) requires verification. Many examples exist and should be cited.
2. Can the use of gas in restaurants be considered an existing use, since the amount of gas needed for cooking in these few restaurants appears to be less than the amount of gas currently used on site?
- a) The EIR should analyze this differential of existing and proposed gas usage and advise whether repurposing existing gas infrastructure within the limit of existing usage could satisfy BAAQMD's interpretation of its objective that projects do their "fair share" to reduce GHG.
  - b) Alternatively, since the project is phased and many of the existing restaurants would not be removed until the second phase, could the use of gas in those restaurants be mitigated by the developer agreeing to phase out such usage in phase two?
  - c) In any case, such analysis would help justify any required finding of "overriding considerations."
3. What is the estimated amount of GHG emissions from these kitchens, and could they be offset by reducing additional emissions by other means?
- a) The EIR should verify that only about 5% of the gas burned in buildings is for cooking, comprising just over 1% of total GHG emissions in San Rafael (25% of GHG from natural gas x 5% = 1.25%).
  - b) The EIR needs to suggest specific mitigations to offset the low emissions from cooking with gas in these few restaurants, as well as to reduce the overall GHG emissions for the project.
  - c) For example, it appears that nearly all of the annual 1,328 tons of CO<sub>2</sub>e emissions for energy estimated in phase 1 and 1,444 tons in phase 2 could be eliminated by requiring the use of



renewable or fossil-free electricity sourced from on-site solar, MCE, or PG&E. That simple mitigation would likely reduce far more GHG than emitted from these restaurants. Smaller but potentially significant reductions appear possible in other areas, such as solid waste and water. (Project-wide estimates at Table 29, App I-109.)

- d) Another GHG reduction inherent in the project that merits quantification in the EIR is the annual amount of carbon sequestration in the trees planted on streets, open space, parking lots.
  - e) Again, these mitigations would help justify any required finding of "overriding considerations."
  - f) More importantly, the mitigations would result in real-world reductions of the project's GHG emissions and place Northgate clearly on the path to do its "fair share" in reaching the City's and State's 2045 goals of zero net emissions. (See San Rafael Climate Emergency Resolution, 9/17/21.)
4. Do the project GHG estimates (App I-Table 29) support the DEIR statement that the project would achieve "net negative impact on operational GHG emissions by replacing existing land uses with less intensive buildings" (4.11.24), or are additional GHG reductions needed to align with 2045 CARB goals?
- a) Table 29 appears to compare each phase of the project to existing emission levels, rather than the total of both phases. That total appears to be 34,391 tons annually, compared to 22,673 tons existing. That would require mitigation of an additional 11,718 tons to support the statement of "net negative impact." The EIR should propose the mitigations needed to support this key statement.
  - b) Do the project-level estimates in Table 29 use the same methodology used by Marin Climate and Energy Partnership to arrive at the San Rafael estimates in Table 24? Comparing the two tables suggests that the project estimates may overstate the project's likely contribution of GHG to the City's carbon footprint, constituting over 10%.
  - c) Are the expected results of Federal, State, regional, and other agency climate actions fully integrated into the estimates of project GHG emissions through project completion in 2040? Examples of such actions include California's phasing out of the

sale of gasoline-powered cars by 2035 and gas appliances by 2030; Inflation Reduction Act incentives in place through at least 2032; full implementation of SB1383 and San Rafael rules reducing methane emissions from organic waste; and Marin Municipal Water District's continued use of renewable electricity for pumping. To the extent not already done, factoring in the results of such actions may reduce the EIR's estimates of project GHG emissions.

5. What additional actions would San Rafael need to take to provide this and similar projects the option of meeting BAAQMD's 'fair share' rules through its Section B pathway, "consistency with a local GHG reduction strategy," rather than Section A (4.11.21)?
  - a) Since the DEIR seems to preclude the project from satisfying Section A of BAAQMD's rules, the final EIR needs to provide greater detail on what would comprise a satisfactory local GHG strategy.
  - b) If, as the DEIR suggests (4.11.30), cooking with gas in these few restaurants would also "conflict with the 2022 [CARB] Scoping Plan and related State legislation" and therefore still constitute a "significant" GHG impact per the DEIR's rationale, then the final EIR also needs to detail how San Rafael's GHG strategy could resolve this conflict.
  - c) Such an analysis needs to build on the City's existing GHG reduction strategies, including CCAP 2030 and General Plan 2040, to which the DEIR states that the project is in compliance. The analysis should also consider San Rafael's Climate Emergency Resolution, which conformed CCAP 2030 to the goal of achieving carbon neutrality by 2045, in alignment with State goals (9/17/21).

Sustainable San Rafael continues to support the Northgate Town Square project. In addition to transforming a car-dependent shopping mall into a vibrant and walkable town center enlivened by much needed housing, it includes many features supporting a sustainable future. With the further analysis and mitigations requested above, the final EIR can provide the information needed to substantially reduce the project's GHG impact. Thank you for your close consideration.

Sincerely,

William Carney,  
Vice President

**From:** Heather Hines [REDACTED]  
**Subject:** Fwd: Northgate redevelopment  
**Date:** February 9, 2024 at 11:43 AM  
**To:** April Talley April.Talley@cityofsanrafael.org



Public comment in support of Northgate project for the project file.

Heather

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 9, 2024 at 10:14:56 AM PST  
**To:** Heather Hines [REDACTED]  
**Subject:** Northgate redevelopment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you know the content is safe. Be aware that the sending address can be faked or manipulated.

Hello, I would like to register our household's support for the Northgate redevelopment project. We live at [REDACTED], less than a mile away.

It's the right place for adding homes, near the SMART train -- for sustainability reasons -- and providing a new source of built in demand for local businesses.

If this project is blocked, it is entirely possible that the mall will continue slowly dying, dragging down the neighborhood.

Thank you to our public officials and engaged stakeholders for taking these comments into consideration.

Sincerely,

Chris Busch  
9 Feb 2024